



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5887

by Rep. Fred Crespo

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-7.10  
105 ILCS 5/27A-9

Amends the Charter Schools Law of the School Code. Provides that the State Charter School Commission shall require Commission-authorized virtual charter schools to (1) ensure student access to teachers and report to the local school board or boards information regarding teacher accessibility, the teacher/student ratio, and the amount of teacher/student contact time; (2) provide opportunities for peer interaction and collaboration; and (3) adopt protocols to prevent bullying or other inappropriate online behavior. Sets forth requirements and limitations that the Commission must impose with regard to entities proposing virtual charter schools. With respect to Commission-authorized virtual charter schools, requires the Commission to limit the withholding of State funds from a school district in proportion to the per pupil expenditure used for building maintenance, classroom supplies, transportation, safety and security, and other costs unique to brick-and-mortar schools. With respect to all Commission-authorized charter schools, provides that the Commission shall require that proof of continuing enrollment and attendance be submitted quarterly, with prorated refunds to the school district upon withdrawal of students from the charter school.

LRB098 19278 NHT 54430 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-7.10 and 27A-9 as follows:

6 (105 ILCS 5/27A-7.10)

7 Sec. 27A-7.10. Authorizer powers and duties; immunity;  
8 principles and standards.

9 (a) Authorizers are responsible for executing, in  
10 accordance with this Article, all of the following powers and  
11 duties:

12 (1) Soliciting and evaluating charter applications.

13 (2) Approving quality charter applications that meet  
14 identified educational needs and promote a diversity of  
15 educational choices.

16 (3) Declining to approve weak or inadequate charter  
17 applications.

18 (4) Negotiating and executing sound charter contracts  
19 with each approved charter school.

20 (5) Monitoring, in accordance with charter contract  
21 terms, the performance and legal compliance of charter  
22 schools.

23 (6) Determining whether each charter contract merits

1 renewal, nonrenewal, or revocation.

2 (b) An authorizing entity may delegate its duties to  
3 officers, employees, and contractors.

4 (c) Regulation by authorizers is limited to the powers and  
5 duties set forth in subsection (a) of this Section and must be  
6 consistent with the spirit and intent of this Article.

7 (d) An authorizing entity, members of the local school  
8 board, or the Commission, in their official capacity, and  
9 employees of an authorizer are immune from civil and criminal  
10 liability with respect to all activities related to a charter  
11 school that they authorize, except for willful or wanton  
12 misconduct.

13 (e) The Commission and all local school boards that have a  
14 charter school operating are required to develop and maintain  
15 chartering policies and practices consistent with recognized  
16 principles and standards for quality charter authorizing in all  
17 major areas of authorizing responsibility, including all of the  
18 following:

- 19 (1) Organizational capacity and infrastructure.  
20 (2) Soliciting and evaluating charter applications.  
21 (3) Performance contracting.  
22 (4) Ongoing charter school oversight and evaluation.  
23 (5) Charter renewal decision-making.

24 Authorizers shall carry out all their duties under this  
25 Article in a manner consistent with nationally recognized  
26 principles and standards and with the spirit and intent of this

1 Article.

2 (f) This subsection (f) applies to charter schools that  
3 provide virtual-schooling, as defined under subsection (b-5)  
4 of Section 27A-5 of this Code.

5 The Commission shall ensure the quality of  
6 Commission-authorized virtual charter schools by requiring all  
7 of the following:

8 (1) That Commission-authorized virtual charter schools  
9 ensure student access to teachers and report to the local  
10 school board or boards information regarding teacher  
11 accessibility, the teacher/student ratio, and the amount  
12 of teacher/student contact time.

13 (2) That Commission-authorized virtual charter schools  
14 provide opportunities for peer interaction and  
15 collaboration.

16 (3) That Commission-authorized virtual charter schools  
17 adopt protocols to prevent bullying or other inappropriate  
18 online behavior.

19 (4) That not-for-profit entities that sponsor virtual  
20 charter schools be in existence for at least one year  
21 before submitting a virtual charter school proposal and  
22 operate in accordance with the Open Meetings Act and the  
23 Freedom of Information Act once the virtual charter school  
24 has been approved.

25 (5) That members of the governing body of a  
26 not-for-profit entity that proposes a virtual charter

1 school demonstrate a direct link to the community in which  
2 the entity is proposing a virtual charter school, either  
3 through residency, employment, or education.

4 (6) That any entity proposing a virtual charter school  
5 is limited to submitting one charter school proposal to one  
6 school district per year.

7 (Source: P.A. 97-152, eff. 7-20-11.)

8 (105 ILCS 5/27A-9)

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

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

13 (b) A charter school renewal proposal submitted to the  
14 local school board or the Commission, as the chartering entity,  
15 shall contain:

16 (1) A report on the progress of the charter school in  
17 achieving the goals, objectives, pupil performance  
18 standards, content standards, and other terms of the  
19 initial approved charter proposal; and

20 (2) A financial statement that discloses the costs of  
21 administration, instruction, and other spending categories  
22 for the charter school that is understandable to the  
23 general public and that will allow comparison of those  
24 costs to other schools or other comparable organizations,  
25 in a format required by the State Board.

1 (c) A charter may be revoked or not renewed if the local  
2 school board or the Commission, as the chartering entity,  
3 clearly demonstrates that the charter school did any of the  
4 following, or otherwise failed to comply with the requirements  
5 of this law:

6 (1) Committed a material violation of any of the  
7 conditions, standards, or procedures set forth in the  
8 charter.

9 (2) Failed to meet or make reasonable progress toward  
10 achievement of the content standards or pupil performance  
11 standards identified in the charter.

12 (3) Failed to meet generally accepted standards of  
13 fiscal management.

14 (4) Violated any provision of law from which the  
15 charter school was not exempted.

16 In the case of revocation, the local school board or the  
17 Commission, as the chartering entity, shall notify the charter  
18 school in writing of the reason why the charter is subject to  
19 revocation. The charter school shall submit a written plan to  
20 the local school board or the Commission, whichever is  
21 applicable, to rectify the problem. The plan shall include a  
22 timeline for implementation, which shall not exceed 2 years or  
23 the date of the charter's expiration, whichever is earlier. If  
24 the local school board or the Commission, as the chartering  
25 entity, finds that the charter school has failed to implement  
26 the plan of remediation and adhere to the timeline, then the

1 chartering entity shall revoke the charter. Except in  
2 situations of an emergency where the health, safety, or  
3 education of the charter school's students is at risk, the  
4 revocation shall take place at the end of a school year.  
5 Nothing in this amendatory Act of the 96th General Assembly  
6 shall be construed to prohibit an implementation timetable that  
7 is less than 2 years in duration.

8 (d) (Blank).

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

21 (f) Notwithstanding other provisions of this Article, if  
22 the Commission on appeal reverses a local board's decision or  
23 if a charter school is approved by referendum, the Commission  
24 shall act as the authorized chartering entity for the charter  
25 school. The Commission shall approve the charter and shall  
26 perform all functions under this Article otherwise performed by

1 the local school board. The State Board shall determine whether  
2 the charter proposal approved by the Commission is consistent  
3 with the provisions of this Article and, if the approved  
4 proposal complies, certify the proposal pursuant to this  
5 Article. The State Board shall report the aggregate number of  
6 charter school pupils resident in a school district to that  
7 district and shall notify the district of the amount of funding  
8 to be paid by the Commission to the charter school enrolling  
9 such students. The Commission shall require the charter school  
10 to maintain accurate records of daily attendance that shall be  
11 deemed sufficient to file claims under Section 18-8.05  
12 notwithstanding any other requirements of that Section  
13 regarding hours of instruction and teacher certification. The  
14 State Board shall withhold from funds otherwise due the  
15 district the funds authorized by this Article to be paid to the  
16 charter school and shall pay such amounts to the charter  
17 school. With respect to charter schools that provide  
18 virtual-schooling, as defined under subsection (b-5) of  
19 Section 27A-5 of this Code, and that are authorized by the  
20 Commission, the Commission shall limit the withholding of State  
21 funds from a school district in proportion to the per pupil  
22 expenditure used for building maintenance, classroom supplies,  
23 transportation, safety and security, and other costs unique to  
24 brick-and-mortar schools. With respect to all  
25 Commission-authorized charter schools, the Commission shall  
26 require that proof of continuing enrollment and attendance be



1 submitted quarterly, with prorated refunds to the school  
2 district upon withdrawal of students from the charter school.

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

6 (h) For charter schools authorized by the Commission, the  
7 State Board shall pay directly to a charter school any federal  
8 or State aid attributable to a student with a disability  
9 attending the school.

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