



Rep. Christian L. Mitchell

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1 AMENDMENT TO HOUSE BILL 809

2 AMENDMENT NO. _____. Amend House Bill 809 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 27A-5, 27A-7, 27A-7.10, and 27A-9 as follows:

6 (105 ILCS 5/27A-5)

7 Sec. 27A-5. Charter school; legal entity; requirements.

8 (a) A charter school shall be a public, nonsectarian,
9 nonreligious, non-home based, and non-profit school. A charter
10 school shall be organized and operated as a nonprofit
11 corporation or other discrete, legal, nonprofit entity
12 authorized under the laws of the State of Illinois.

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status. Beginning
16 on the effective date of this amendatory Act of the 93rd

1 General Assembly, in all new applications to establish a
2 charter school in a city having a population exceeding 500,000,
3 operation of the charter school shall be limited to one campus.
4 The changes made to this Section by this amendatory Act of the
5 93rd General Assembly do not apply to charter schools existing
6 or approved on or before the effective date of this amendatory
7 Act.

8 (b-5) In this subsection (b-5), "virtual-schooling" means
9 a cyber school where students engage in online curriculum and
10 instruction via the Internet and electronic communication with
11 their teachers at remote locations and with students
12 participating at different times.

13 From April 1, 2013 through December 31, 2016, there is a
14 moratorium on the establishment of charter schools with
15 virtual-schooling components in school districts other than a
16 school district organized under Article 34 of this Code. This
17 moratorium does not apply to a charter school with
18 virtual-schooling components existing or approved prior to
19 April 1, 2013 or to the renewal of the charter of a charter
20 school with virtual-schooling components already approved
21 prior to April 1, 2013.

22 On or before March 1, 2014, the Commission shall submit to
23 the General Assembly a report on the effect of
24 virtual-schooling, including without limitation the effect on
25 student performance, the costs associated with
26 virtual-schooling, and issues with oversight. The report shall

1 include policy recommendations for virtual-schooling.

2 (c) A charter school shall be administered and governed by
3 its board of directors or other governing body in the manner
4 provided in its charter. The governing body of a charter school
5 shall be subject to the Freedom of Information Act and the Open
6 Meetings Act.

7 (d) A charter school shall comply with all applicable
8 health and safety requirements applicable to public schools
9 under the laws of the State of Illinois.

10 (e) Except as otherwise provided in the School Code, a
11 charter school shall not charge tuition; provided that a
12 charter school may charge reasonable fees for textbooks,
13 instructional materials, and student activities.

14 (f) A charter school shall be responsible for the
15 management and operation of its fiscal affairs, including, but
16 not limited to, the procurement of goods and services and the
17 preparation of its budget. An audit of each charter school's
18 finances shall be conducted annually by an outside, independent
19 contractor retained by the charter school. To ensure financial
20 accountability for the use of public funds, on or before
21 December 1 of every year of operation, each charter school
22 shall submit to its authorizer and the State Board a copy of
23 its audit and a copy of the Form 990 the charter school filed
24 that year with the federal Internal Revenue Service. In
25 addition, if deemed necessary for proper financial oversight of
26 the charter school, an authorizer may require quarterly

1 financial statements from each charter school.

2 (g) A charter school shall comply with all provisions of
3 this Article; the Illinois Educational Labor Relations Act; all
4 federal and State laws and rules applicable to public schools
5 that pertain to special education and the instruction of
6 English language learners, referred to in this Code as
7 "children of limited English-speaking ability"; and its
8 charter. A charter school is exempt from all other State laws
9 and regulations in this Code governing public schools and local
10 school board policies, except the following:

11 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
12 criminal history records checks and checks of the Statewide
13 Sex Offender Database and Statewide Murderer and Violent
14 Offender Against Youth Database of applicants for
15 employment;

16 (2) Sections 24-24 and 34-84A of this Code regarding
17 discipline of students;

18 (3) the Local Governmental and Governmental Employees
19 Tort Immunity Act;

20 (4) Section 108.75 of the General Not For Profit
21 Corporation Act of 1986 regarding indemnification of
22 officers, directors, employees, and agents;

23 (5) the Abused and Neglected Child Reporting Act;

24 (6) the Illinois School Student Records Act;

25 (7) Section 10-17a of this Code regarding school report
26 cards;

1 (8) the P-20 Longitudinal Education Data System Act;

2 ~~and~~

3 (9) Section 27-23.7 of this Code regarding bullying
4 prevention; ~~and.~~

5 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~
6 Code regarding student discipline reporting.

7 The change made by Public Act 96-104 to this subsection (g)
8 is declaratory of existing law.

9 (h) A charter school may negotiate and contract with a
10 school district, the governing body of a State college or
11 university or public community college, or any other public or
12 for-profit or nonprofit private entity for: (i) the use of a
13 school building and grounds or any other real property or
14 facilities that the charter school desires to use or convert
15 for use as a charter school site, (ii) the operation and
16 maintenance thereof, and (iii) the provision of any service,
17 activity, or undertaking that the charter school is required to
18 perform in order to carry out the terms of its charter.
19 However, a charter school that is established on or after the
20 effective date of this amendatory Act of the 93rd General
21 Assembly and that operates in a city having a population
22 exceeding 500,000 may not contract with a for-profit entity to
23 manage or operate the school during the period that commences
24 on the effective date of this amendatory Act of the 93rd
25 General Assembly and concludes at the end of the 2004-2005
26 school year. Except as provided in subsection (i) of this

1 Section, a school district may charge a charter school
2 reasonable rent for the use of the district's buildings,
3 grounds, and facilities. Any services for which a charter
4 school contracts with a school district shall be provided by
5 the district at cost. Any services for which a charter school
6 contracts with a local school board or with the governing body
7 of a State college or university or public community college
8 shall be provided by the public entity at cost.

9 Charter schools shall use their purchasing functions to
10 provide preference to and enhance competitive opportunities
11 for minority-owned and women-owned businesses located within
12 the geographical region of the charter school seeking goods or
13 services. This preference shall align with standards set for
14 traditional schools within the authorizing network. All other
15 goods and services procured by the charter school must be
16 executed pursuant to the terms of the procurement policy stated
17 in the charter contract. Charter procurement policies must be
18 approved by the authorizer during the authorization process and
19 shall reflect procedures consistent with expending public
20 funds in an efficient, transparent, and cost-effective manner.
21 Such policies shall include provisions that prohibit conflicts
22 of interest, self-dealing, and any other practices that call
23 into question the objectivity of the charter school's governing
24 body. Each charter school's procurement policy must be posted
25 on the charter school's Internet website to ensure public
26 transparency.

1 (i) In no event shall a charter school that is established
2 by converting an existing school or attendance center to
3 charter school status be required to pay rent for space that is
4 deemed available, as negotiated and provided in the charter
5 agreement, in school district facilities. However, all other
6 costs for the operation and maintenance of school district
7 facilities that are used by the charter school shall be subject
8 to negotiation between the charter school and the local school
9 board and shall be set forth in the charter.

10 (j) A charter school may limit student enrollment by age or
11 grade level.

12 (k) If the charter school is approved by the Commission,
13 then the Commission charter school is its own local education
14 agency.

15 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
16 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;
17 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.
18 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised
19 10-14-14.)

20 (105 ILCS 5/27A-7)

21 Sec. 27A-7. Charter submission.

22 (a) A proposal to establish a charter school shall be
23 submitted to the local school board and the State Board for
24 certification under Section 27A-6 of this Code in the form of a
25 proposed contract entered into between the local school board

1 and the governing body of a proposed charter school. The
2 charter school proposal shall include:

3 (1) The name of the proposed charter school, which must
4 include the words "Charter School".

5 (2) The age or grade range, areas of focus, minimum and
6 maximum numbers of pupils to be enrolled in the charter
7 school, and any other admission criteria that would be
8 legal if used by a school district.

9 (3) A description of and address for the physical plant
10 in which the charter school will be located; provided that
11 nothing in the Article shall be deemed to justify delaying
12 or withholding favorable action on or approval of a charter
13 school proposal because the building or buildings in which
14 the charter school is to be located have not been acquired
15 or rented at the time a charter school proposal is
16 submitted or approved or a charter school contract is
17 entered into or submitted for certification or certified,
18 so long as the proposal or submission identifies and names
19 at least 2 sites that are potentially available as a
20 charter school facility by the time the charter school is
21 to open.

22 (4) The mission statement of the charter school, which
23 must be consistent with the General Assembly's declared
24 purposes; provided that nothing in this Article shall be
25 construed to require that, in order to receive favorable
26 consideration and approval, a charter school proposal

1 demonstrate unequivocally that the charter school will be
2 able to meet each of those declared purposes, it being the
3 intention of the Charter Schools Law that those purposes be
4 recognized as goals that charter schools must aspire to
5 attain.

6 (5) The goals, objectives, and pupil performance
7 standards to be achieved by the charter school.

8 (6) In the case of a proposal to establish a charter
9 school by converting an existing public school or
10 attendance center to charter school status, evidence that
11 the proposed formation of the charter school has received
12 the approval of certified teachers, parents and guardians,
13 and, if applicable, a local school council as provided in
14 subsection (b) of Section 27A-8.

15 (7) A description of the charter school's educational
16 program, pupil performance standards, curriculum, school
17 year, school days, and hours of operation.

18 (8) A description of the charter school's plan for
19 evaluating pupil performance, the types of assessments
20 that will be used to measure pupil progress towards
21 achievement of the school's pupil performance standards,
22 the timeline for achievement of those standards, and the
23 procedures for taking corrective action in the event that
24 pupil performance at the charter school falls below those
25 standards.

26 (9) Evidence that the terms of the charter as proposed

1 are economically sound for both the charter school and the
2 school district, a proposed budget for the term of the
3 charter, a description of the manner in which an annual
4 audit of the financial and administrative operations of the
5 charter school, including any services provided by the
6 school district, are to be conducted, and a plan for the
7 displacement of pupils, teachers, and other employees who
8 will not attend or be employed in the charter school.

9 (10) A description of the governance and operation of
10 the charter school, including the nature and extent of
11 parental, professional educator, and community involvement
12 in the governance and operation of the charter school.

13 (10.5) A description of a procurement policy for goods
14 and services.

15 (11) An explanation of the relationship that will exist
16 between the charter school and its employees, including
17 evidence that the terms and conditions of employment have
18 been addressed with affected employees and their
19 recognized representative, if any. However, a bargaining
20 unit of charter school employees shall be separate and
21 distinct from any bargaining units formed from employees of
22 a school district in which the charter school is located.

23 (12) An agreement between the parties regarding their
24 respective legal liability and applicable insurance
25 coverage.

26 (13) A description of how the charter school plans to

1 meet the transportation needs of its pupils, and a plan for
2 addressing the transportation needs of low-income and
3 at-risk pupils.

4 (14) The proposed effective date and term of the
5 charter; provided that the first day of the first academic
6 year shall be no earlier than August 15 and no later than
7 September 15 of a calendar year, and the first day of the
8 fiscal year shall be July 1.

9 (15) Any other information reasonably required by the
10 State Board of Education.

11 (b) A proposal to establish a charter school may be
12 initiated by individuals or organizations that will have
13 majority representation on the board of directors or other
14 governing body of the corporation or other discrete legal
15 entity that is to be established to operate the proposed
16 charter school, by a board of education or an intergovernmental
17 agreement between or among boards of education, or by the board
18 of directors or other governing body of a discrete legal entity
19 already existing or established to operate the proposed charter
20 school. The individuals or organizations referred to in this
21 subsection may be school teachers, school administrators,
22 local school councils, colleges or universities or their
23 faculty members, public community colleges or their
24 instructors or other representatives, corporations, or other
25 entities or their representatives. The proposal shall be
26 submitted to the local school board for consideration and, if

1 appropriate, for development of a proposed contract to be
2 submitted to the State Board for certification under Section
3 27A-6.

4 (c) The local school board may not without the consent of
5 the governing body of the charter school condition its approval
6 of a charter school proposal on acceptance of an agreement to
7 operate under State laws and regulations and local school board
8 policies from which the charter school is otherwise exempted
9 under this Article.

10 (Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14;
11 revised 10-1-14.)

12 (105 ILCS 5/27A-7.10)

13 Sec. 27A-7.10. Authorizer powers and duties; immunity;
14 principles and standards.

15 (a) Authorizers are responsible for executing, in
16 accordance with this Article, all of the following powers and
17 duties:

18 (1) Soliciting and evaluating charter applications.

19 (2) Approving quality charter applications that meet
20 identified educational needs and promote a diversity of
21 educational choices.

22 (3) Declining to approve weak or inadequate charter
23 applications.

24 (4) Negotiating and executing sound charter contracts
25 with each approved charter school.

1 (5) Monitoring, in accordance with charter contract
2 terms, the performance and legal compliance of charter
3 schools, including compliance with procurement policies.

4 (6) Determining whether each charter contract merits
5 renewal, nonrenewal, or revocation.

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

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

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

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

23 (1) Organizational capacity and infrastructure.

24 (2) Soliciting and evaluating charter applications.

25 (3) Performance contracting.

26 (4) Ongoing charter school oversight and evaluation.

1 (5) Charter renewal decision-making.

2 Authorizers shall carry out all their duties under this
3 Article in a manner consistent with nationally recognized
4 principles and standards and with the spirit and intent of this
5 Article.

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

7 (105 ILCS 5/27A-9)

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

9 (a) A charter may be granted for a period of not less than
10 5 and not more than 10 school years. A charter may be renewed
11 in incremental periods not to exceed 10 5 school years, except
12 that charters deemed high-quality shall be renewed for a period
13 of not less than 5 and not more than 10 school years. Each
14 authorizer shall create criteria for determining which charter
15 schools meet the high-quality definition. In the absence of
16 such criteria, a high-quality charter school means a charter
17 school that has, in the last available ranking, either (i) been
18 recognized by the State Board as a reward school, as defined in
19 this State's approved waiver of the federal Elementary and
20 Secondary Education Act of 1965, or received the State Board's
21 honor roll designation as a spotlight school, academic
22 excellence award recipient, or academic improvement recipient
23 or (ii) received a rating in the top 40% of schools in a school
24 district under a rating system developed by the charter
25 school's home district that is based on multiple indicators of

1 success and used by that district to rate schools in the
2 district.

3 (a-5) Before January 1, 2016, authorizers shall develop
4 performance frameworks that allow authorizers to measure the
5 performance of a charter school and that allow authorizers of
6 multiple charter schools to compare performance across
7 similarly situated schools using common measures. Such
8 performance frameworks shall use comprehensive academic,
9 financial, and operational performance data to make
10 merit-based renewal decisions. Such performance frameworks may
11 vary depending on the type of charter school authorized and the
12 mission of such a school. Authorizers shall solicit input from
13 schools and other stakeholders in the development of
14 performance frameworks. Authorizers shall incorporate such
15 performance frameworks into charter agreements entered into on
16 or after January 1, 2016. Authorizers may work with charter
17 schools to incorporate such performance frameworks into
18 contracts entered into before January 1, 2016, provided that
19 the authorizer and charter school mutually agree to the
20 contract amendment. All renewal decisions after September 1,
21 2016 must be based on the charter contract and, to the extent
22 applicable, the performance framework. The performance
23 framework must be made available for public viewing on the
24 authorizer's Internet website.

25 Using the renewal criteria set forth in the performance
26 framework, the authorizer shall report annually to the charter

1 school on the progress and performance of that charter school.

2 (b) A charter school renewal proposal submitted to the
3 local school board or the Commission, as the chartering entity,
4 shall contain:

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

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

16 (b-5) In making decisions about charter renewals, an
17 authorizer shall do all of the following:

18 (1) Grant renewals to charter schools based on what is
19 in the best interests of the students served by the charter
20 school.

21 (2) Ground its decisions on a thorough analysis of
22 evidence of the charter school's performance over the term
23 of the charter contract, in accordance with the terms and
24 measures established in the performance framework set
25 forth in the charter agreement under subsection (a-5) of
26 this Section to the extent applicable.

1 (3) Grant renewals only to charter schools that have
2 achieved the material standards, targets, and performance
3 expectations as stated in the charter contract, are
4 organizationally and fiscally viable, and have been
5 faithful to the terms of the contract and applicable law.

6 (40) Develop and implement a transition plan for each
7 student attending a charter school whose charter is not to
8 be renewed. The plan must include information concerning
9 the charter school and transportation options available to
10 the student, with the goal of providing a smooth transition
11 following a non-renewal. To the extent practicable, the
12 timing of renewal decisions shall align with the enrollment
13 process the authorizer uses for other schools within the
14 relevant school district. The authorizer shall communicate
15 the plan to each student's parent or guardian.

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

21 (1) Committed a material violation of any of the
22 conditions, standards, or procedures set forth in the
23 charter.

24 (2) Failed to meet or make reasonable progress toward
25 achievement of the content standards or pupil performance
26 standards identified in the charter or instead, if

1 applicable, failed to meet performance standards
2 established in the performance framework set forth in the
3 charter under subsection (a-5) of this Section.

4 (3) Failed to meet generally accepted standards of
5 fiscal management.

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

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

26 (d) (Blank).

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

13 (f) Notwithstanding other provisions of this Article, if
14 the Commission on appeal reverses a local board's decision or
15 if a charter school is approved by referendum, the Commission
16 shall act as the authorized chartering entity for the charter
17 school. The Commission shall approve the charter and shall
18 perform all functions under this Article otherwise performed by
19 the local school board. The State Board shall determine whether
20 the charter proposal approved by the Commission is consistent
21 with the provisions of this Article and, if the approved
22 proposal complies, certify the proposal pursuant to this
23 Article. The State Board shall report the aggregate number of
24 charter school pupils resident in a school district to that
25 district and shall notify the district of the amount of funding
26 to be paid by the State Board to the charter school enrolling

1 such students. The Commission shall require the charter school
2 to maintain accurate records of daily attendance that shall be
3 deemed sufficient to file claims under Section 18-8.05
4 notwithstanding any other requirements of that Section
5 regarding hours of instruction and teacher certification. The
6 State Board shall withhold from funds otherwise due the
7 district the funds authorized by this Article to be paid to the
8 charter school and shall pay such amounts to the charter
9 school.

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

13 (h) For charter schools authorized by the Commission, the
14 State Board shall pay directly to a charter school any federal
15 or State aid attributable to a student with a disability
16 attending the school.

17 (Source: P.A. 97-152, eff. 7-20-11; 98-739, eff. 7-16-14.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."