



Rep. Emanuel Chris Welch

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LRB099 06861 NHT 32905 a

1 AMENDMENT TO HOUSE BILL 2810

2 AMENDMENT NO. _____. Amend House Bill 2810 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 27A-9 and 27A-11 as follows:

6 (105 ILCS 5/27A-9)

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

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

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

14 (1) A report on the progress of the charter school in
15 achieving the goals, objectives, pupil performance
16 standards, content standards, and other terms of the

1 initial approved charter proposal; and

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

8 (c) A charter may be revoked or not renewed if the local
9 school board or the Commission, as the chartering entity,
10 clearly demonstrates that the charter school did any of the
11 following, or otherwise failed to comply with the requirements
12 of this law:

13 (1) Committed a material violation of any of the
14 conditions, standards, or procedures set forth in the
15 charter.

16 (2) Failed to meet or make reasonable progress toward
17 achievement of the content standards or pupil performance
18 standards identified in the charter.

19 (3) Failed to meet generally accepted standards of
20 fiscal management.

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

23 In the case of revocation, the local school board or the
24 Commission, as the chartering entity, shall notify the charter
25 school in writing of the reason why the charter is subject to
26 revocation. The charter school shall submit a written plan to

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

15 (d) (Blank).

16 (e) Notice of a local school board's decision to deny,
17 revoke or not to renew a charter shall be provided to the
18 Commission and the State Board. The Commission may reverse a
19 local board's decision if the Commission finds that the charter
20 school or charter school proposal (i) is in compliance with
21 this Article, and (ii) is in the best interests of the students
22 it is designed to serve. The Commission may condition the
23 granting of an appeal on the acceptance by the charter school
24 of funding in an amount less than that requested in the
25 proposal submitted to the local school board; however, the
26 Commission shall have no authority to agree to funding in an

1 amount less than or more than the permissible range of funding
2 for district-authorized charter schools specified in Section
3 27A-11 of this Code. Final decisions of the Commission shall be
4 subject to judicial review under the Administrative Review Law.

5 (f) Notwithstanding other provisions of this Article, if
6 the Commission on appeal reverses a local board's decision or
7 if a charter school is approved by referendum, the Commission
8 shall act as the authorized chartering entity for the charter
9 school. The Commission shall approve the charter and shall
10 perform all functions under this Article otherwise performed by
11 the local school board. The State Board shall determine whether
12 the charter proposal approved by the Commission is consistent
13 with the provisions of this Article and, if the approved
14 proposal complies, certify the proposal pursuant to this
15 Article. ~~The State Board shall report the aggregate number of~~
16 ~~charter school pupils resident in a school district to that~~
17 ~~district and shall notify the district of the amount of funding~~
18 ~~to be paid by the State Board to the charter school enrolling~~
19 ~~such students.~~ The Commission shall require the charter school
20 to maintain accurate records of daily attendance that shall be
21 deemed sufficient to file claims under Section 18-8.05
22 notwithstanding any other requirements of that Section
23 regarding hours of instruction and teacher certification. The
24 charter school shall report to the Commission the number of
25 students enrolled as of July 15, October 1, December 15, and
26 March 1 in each year by district of residence, which enrollment

1 must be certified in accordance with subsection (g) of this
2 Section. The State Board shall withhold from funds otherwise
3 due the district the funds authorized by this Article to be
4 paid to the charter school and shall pay such amounts to the
5 charter school.

6 (g) On or before July 31, October 15, December 31, and
7 March 15 of each year For charter schools authorized by the
8 Commission, the Commission shall quarterly certify to the State
9 Board the student enrollment for each of its charter schools,
10 as collected for that quarter pursuant to subsection (f) of
11 this Section. Upon receipt of each quarterly report, the State
12 Board shall compute and pay to the charter school a per capita
13 amount that shall be calculated by multiplying the number of
14 students who are enrolled in the charter school for that
15 quarter by the per capita student tuition of the school
16 district of residence. Payments computed under this subsection
17 (g) shall be paid directly to charter schools from funds
18 appropriated for general State Aid payments to all school
19 districts under Section 18-8.05 of this Code and may not be
20 withheld from funds otherwise due to the student's district of
21 residence. A charter school may not receive per capita funds
22 under this subsection (g) for any student who is enrolled in
23 the charter school but does not reside within the geographic
24 boundaries of the district or districts in which the charter
25 school is approved to operate.

26 (h) For charter schools authorized by the Commission, the

1 State Board shall pay directly to a charter school any federal
2 or State aid attributable to a student with a disability
3 attending the school.

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

5 (105 ILCS 5/27A-11)

6 Sec. 27A-11. Local financing.

7 (a) For purposes of this ~~the School~~ Code, pupils enrolled
8 in a charter school authorized by a local school board shall be
9 included in the pupil enrollment of the school district within
10 which the pupil resides, while pupils enrolled in a charter
11 school authorized by the Commission shall be considered
12 enrolled in that charter school only. Each charter school (i)
13 shall determine the school district in which each pupil who is
14 enrolled in the charter school resides, (ii) shall report the
15 aggregate number of pupils resident of a school district who
16 are enrolled in the charter school to the school district in
17 which those pupils reside, and (iii) shall maintain accurate
18 records of daily attendance that shall be deemed sufficient to
19 file claims under Section 18-8 notwithstanding any other
20 requirements of that Section regarding hours of instruction and
21 teacher certification.

22 (b) As ~~Except for a charter school established by~~
23 ~~referendum under Section 27A-6.5, as~~ part of a charter school
24 contract between a charter school and a local school board, the
25 parties ~~charter school and the local school board~~ shall agree

1 on funding and any services to be provided by the school
2 district to the charter school. Agreed funding that a charter
3 school is to receive from the local school board for a school
4 year shall be paid in equal quarterly installments with the
5 payment of the installment for the first quarter being made not
6 later than July 1, unless the charter establishes a different
7 payment schedule. However, if a charter school dismisses a
8 pupil from the charter school after receiving a quarterly
9 payment, the charter school shall return to the school
10 district, on a quarterly basis, the prorated portion of public
11 funding provided for the education of that pupil for the time
12 the student is not enrolled at the charter school. Likewise, if
13 a pupil transfers to a charter school between quarterly
14 payments, the school district shall provide, on a quarterly
15 basis, a prorated portion of the public funding to the charter
16 school to provide for the education of that pupil.

17 All services centrally or otherwise provided by the school
18 district including, but not limited to, rent, food services,
19 custodial services, maintenance, curriculum, media services,
20 libraries, transportation, and warehousing shall be subject to
21 negotiation between a charter school and the local school board
22 and paid for out of the revenues negotiated pursuant to this
23 subsection (b); provided that the local school board shall not
24 attempt, by negotiation or otherwise, to obligate a charter
25 school to provide pupil transportation for pupils for whom a
26 district is not required to provide transportation under the

1 criteria set forth in subsection (a) (13) of Section 27A-7.

2 In no event shall the funding be less than 75% or more than
3 125% of the school district's per capita student tuition
4 multiplied by the number of students residing in the district
5 who are enrolled in the charter school.

6 It is the intent of the General Assembly that funding and
7 service agreements under this subsection (b) shall be neither a
8 financial incentive nor a financial disincentive to the
9 establishment of a charter school.

10 The charter school may set and collect reasonable fees.
11 Fees collected from students enrolled at a charter school shall
12 be retained by the charter school.

13 (c) Notwithstanding subsection (b) of this Section, the
14 proportionate share of State and federal resources generated by
15 students with disabilities or staff serving them shall be
16 directed to charter schools enrolling those students by their
17 school districts or administrative units. The proportionate
18 share of moneys generated under other federal or State
19 categorical aid programs shall be directed to charter schools
20 serving students eligible for that aid.

21 (d) The governing body of a charter school is authorized to
22 accept gifts, donations, or grants of any kind made to the
23 charter school and to expend or use gifts, donations, or grants
24 in accordance with the conditions prescribed by the donor;
25 however, a gift, donation, or grant may not be accepted by the
26 governing body if it is subject to any condition contrary to

1 applicable law or contrary to the terms of the contract between
2 the charter school and the local school board. Charter schools
3 shall be encouraged to solicit and utilize community volunteer
4 speakers and other instructional resources when providing
5 instruction on the Holocaust and other historical events.

6 (e) (Blank).

7 (f) The Commission shall provide technical assistance to
8 persons and groups preparing or revising charter applications.

9 (g) At the non-renewal or revocation of its charter, each
10 charter school shall refund to the local board of education all
11 unspent funds.

12 (h) A charter school is authorized to incur temporary,
13 short term debt to pay operating expenses in anticipation of
14 receipt of funds from the local school board.

15 (Source: P.A. 98-640, eff. 6-9-14; 98-739, eff. 7-16-14;
16 revised 10-1-14.)

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