

SB1301



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1301

Introduced 2/18/2015, by Sen. Toi W. Hutchinson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-9
105 ILCS 5/27A-11

Amends the Charter Schools Law of the School Code. Provides that payments made by the State Board of Education or a school board to a charter school shall be prorated and paid at the same percentage as general State aid payments to school districts in a fiscal year. Makes related changes.

LRB099 09047 NHT 29235 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-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
17 initial approved charter proposal; and

18 (2) A financial statement that discloses the costs of
19 administration, instruction, and other spending categories
20 for the charter school that is understandable to the
21 general public and that will allow comparison of those
22 costs to other schools or other comparable organizations,
23 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 Commission 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 State Board 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. All payments made by the State Board to a charter
18 school pursuant to this subsection (f) shall be prorated and
19 paid at the same percentage as general State aid payments to
20 school districts in that fiscal year.

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

24 (h) For charter schools authorized by the Commission, the
25 State Board shall pay directly to a charter school any federal
26 or State aid attributable to a student with a disability

1 attending the school.

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

3 (105 ILCS 5/27A-11)

4 Sec. 27A-11. Local financing.

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

17 (b) Except for a charter school established by referendum
18 under Section 27A-6.5, as part of a charter school contract,
19 the charter school and the local school board shall agree on
20 funding and any services to be provided by the school district
21 to the charter school. Agreed funding that a charter school is
22 to receive from the local school board for a school year shall
23 be paid in equal quarterly installments with the payment of the
24 installment for the first quarter being made not later than
25 July 1, unless the charter establishes a different payment

1 schedule. ~~If However, if~~ a charter school dismisses a pupil
2 from the charter school after receiving a quarterly payment,
3 the charter school shall return to the school district, on a
4 quarterly basis, the prorated portion of public funding
5 provided for the education of that pupil for the time the
6 student is not enrolled at the charter school. Likewise, if a
7 pupil transfers to a charter school between quarterly payments,
8 the school district shall provide, on a quarterly basis, a
9 prorated portion of the public funding to the charter school to
10 provide for the education of that pupil. All payments made by a
11 local school board to a charter school pursuant to this
12 subsection (b) shall be prorated and paid at the same
13 percentage as general State aid payments to school districts in
14 that fiscal year.

15 All services centrally or otherwise provided by the school
16 district including, but not limited to, rent, food services,
17 custodial services, maintenance, curriculum, media services,
18 libraries, transportation, and warehousing shall be subject to
19 negotiation between a charter school and the local school board
20 and paid for out of the revenues negotiated pursuant to this
21 subsection (b); provided that the local school board shall not
22 attempt, by negotiation or otherwise, to obligate a charter
23 school to provide pupil transportation for pupils for whom a
24 district is not required to provide transportation under the
25 criteria set forth in subsection (a) (13) of Section 27A-7.

26 In no event shall the funding as calculated prior to any

1 proration pursuant to this subsection (b) be less than 75% or
2 more than 125% of the school district's per capita student
3 tuition multiplied by the number of students residing in the
4 district who are enrolled in the charter school.

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

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

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

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

1 the charter school and the local school board. Charter schools
2 shall be encouraged to solicit and utilize community volunteer
3 speakers and other instructional resources when providing
4 instruction on the Holocaust and other historical events.

5 (e) (Blank).

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

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

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

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