



Governor Signs Charter School Quality Law

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By Amy K. Dickerson

Governor Quinn recently signed the Charter School Quality Law, **Public Act 097-0152**, effective immediately. Amending Section 27A of the School Code, this new Law creates the State Charter School Commission (“Commission”), an independent state agency with statewide chartering jurisdiction and authority. The Commission now serves the main functions that the Illinois State Board of Education (“ISBE”) previously served with relation to charter schools. Under the prior law, charter school applicants could appeal to ISBE if their applications were denied by the local school board. If ISBE reversed the local board’s decision, ISBE would become the authorizing charter entity for that charter school. Under the new law, the Commission would accept such appeals and, if it reverses a local board’s decision, would become the authorizing charter entity. The Commission would also serve as the authorizing charter entity for charter schools approved by referendum. A charter school approved by the Commission is considered its own school district, and will be paid directly any federal or State aid attributable to a student with a disability attending that school. ISBE retains the authority to certify any proposal approved by the Commission, and also retains rulemaking authority for the Commission. The law further authorizes ISBE to remove the power to authorize charter schools from any local school board or the Commission if it does not demonstrate a commitment to high-quality authorization practices. It also permits ISBE to revoke any chronically low-performing charters under that authorizer.

The law also sets forth particular responsibilities for charter school authorizers (e.g. local school boards and the Commission), such as “approving quality charter applications that meet identified educational needs and promote a diversity of educational choices” and “declining to approve weak or inadequate charter applications.” The law further requires all school boards that have a charter school, as well as the Commission, to develop and maintain chartering policies and practices consistent with recognized principles of charter school authorizing. Local school boards may also develop their own process for receiving charter school proposals on an annual basis that follows the same timeframes set forth in Section 27A of the School Code. Applicants to such school boards must comply with the local board’s process before appealing to the Commission. In addition, the law provides that if a local school board does not take particular action on a charter school application within a certain timeframe, the applicant may submit their proposal to the Commission where it will be treated in accordance with the process for appeals set forth in the law.

The law also contains the following requirements:

Commission Members: The Commission consist of 9 members, appointed by ISBE, who collectively possess strong experience and expertise in particular areas of public and nonprofit governance and school leadership, including charter schools. Each commission member will have a



4-year term of office, although some members initially appointed to the board may have 3-year or 2-year terms in order to stagger the terms of office among the Commission. All initial appointments to the Commission must be made by October 1, 2011.

Pending Appeals: All appeals pending before ISBE at the time of initial appointment by the Commission shall be determined by the Commission.

Charter Schools Currently Authorized by ISBE: By July 1, 2012, all charter schools currently authorized by ISBE must have their authorization transferred to the Commission upon a vote of the State Board.

Charter Schools Currently Authorized by Local School Boards: Any charter school authorized by a local school(s) board may seek to transfer its authorization to the Commission during its school term only with the approval of the local school board(s). At the end of its term, the charter school must reapply to the local school board before it may apply for authorization to the Commission.

Evaluations and Reports: Every two years, the Commission must submit a report on best practices in charter school authorizing to ISBE and the local school boards. ISBE must issue an evaluation report every two years to the General Assembly and the Governor on the status and governance of all charter schools in the State as required by the law. Local school boards and the Commission every two years must submit to ISBE specific information required by ISBE regulations.

Charter School Fee: The law permits the Commission to charge a charter school that it authorizes a fee, not to exceed 3% of the revenue provided to the school, to cover the Commission's ongoing administrative costs with respect to that school.

Administrative Rules: All ISBE regulations applicable to matters now falling within the responsibility of the Commission are now applicable to the actions of the Commission. While ISBE retains rulemaking authority for the Commission, it must work jointly with the Commission on rule modifications.

Commission Fund: The law also creates the State Charter School Commission Fund as a special fund in the State Treasury, and permits the Commission to receive and expend donations and grants, and to deposit any funds received into the Fund.

More Information

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