

January 26, 2005

**APPROVE THE GRANTING OF A CHARTER AND ENTERING INTO A CHARTER SCHOOL AGREEMENT WITH THE LEGACY CHARTER SCHOOL****THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:**

Approve the granting of a charter and entering into a Charter School Agreement with the Legacy Charter School for a five year period. The Charter School Agreement is currently being negotiated. The authority granted herein shall automatically rescind in the event a written Charter School Agreement is not executed by the Board and the charter school's governing board within 120 days of the date of this Board Report. The agreement authorized herein will only take effect upon certification by the Illinois State Board of Education. Information pertinent to this agreement is stated below.

**CHARTER SCHOOL:** Legacy Charter School  
3333 West Arthington  
Chicago, IL 60624  
Phone: 312-876-8099  
Contact Person: Errol L. Stone, Chair of Board

**OVERSIGHT:** Charter Schools Office  
125 S. Clark, 5th Floor  
Chicago, IL 60603  
Phone: (773) 553-1535  
Contact Person: Genita C. Robinson, Director

**DESCRIPTION:** The Charter Schools Law (105 ILCS 5/27A-1 *et seq*) provides that up to 30 charter schools may be operated in the City of Chicago. Proposals to operate charter schools are submitted to the Board for evaluation pursuant to the standards set forth in 105 ILCS 5/27A-8, and the Board convenes a public meeting to obtain information to assist in its decision to grant or deny each proposal and report its action to the State Board of Education. The State Board determines whether the approved charter school proposal and the proposed contract satisfy the provisions of the Charter Schools Law and, if so, certifies the charter school.

**CHARTER APPLICATION PROPOSAL:** The Legacy Charter School proposal was submitted by Sonnenschein, Nath, & Rosenthal LLP and received by the Board on October 1, 2004. The school will open in the fall of 2005 serving 69 students in kindergarten, first, and second grades. In successive years, the school will serve up to 482 students in pre-kindergarten through eighth grade. The cost of 69 students in 2005-06 will be approximately \$418,140. These budget figures are based on the revised per pupil funding amounts released on November 10, 2004. In its proposal, Legacy Charter School indicated that the Erikson Institute will assist it in developing and implementing the early childhood portion of the educational program. The school will be located at 3333 West Arthington. A public hearing, as required by statute, was held on November 15, 2004. An additional public hearing was held on January 19, 2005, at the Westside Technical Institute.

**TERM:** The term of the Legacy Charter School charter and agreement shall commence July 1, 2005 and end June 30, 2010.

**LSC REVIEW:** Approval of Local School Councils is not applicable to this report.

**AFFIRMATIVE ACTION STATUS:** Not applicable.

**AUTHORIZATION:** Authorize the General Counsel to include relevant terms and conditions in the written Charter School Agreement which shall reflect resolution of any and all outstanding issues between the Board and the governing body of the charter school including, but not limited to: site location, enrollment, funding, educational

program, financial controls and practices, academic accountability and evaluations. Authorize the President and Secretary to execute the Charter School Agreement. Authorize the Director of Charter Schools to issue a letter notifying the Illinois State Board of Education of the actions approved hereunder and to submit the approved proposal and signed Charter School Agreement to the Illinois State Board of Education for certification. Authorize the General Counsel to further negotiate, and execute any amendments to the Agreement as required by the Illinois State Board of Education.

**FINANCIAL:** The financial implications will be addressed during the development of the 2005-2006 fiscal year budget. Since the School Code of Illinois prohibits the incurring of any liability unless an appropriation has been previously made, expenditures beyond FY05 are deemed to be contingent liabilities only, subject to appropriation in subsequent fiscal year budgets.

**GENERAL CONDITIONS:**

**Inspector General –** Each Party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

**Conflicts –** The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one-year period following expiration or other termination of their terms of office.

**Indebtedness –** The Board's indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of the agreement.

**Ethics –** The Board's Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of the agreement.

**Contingent Liability –** The Agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed to be a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:

Approved:



Barbara J. Eason-Watkins  
Chief Education Officer



Arne Duncan  
Chief Executive Officer

Within Appropriation:



John Maiorca  
Chief Financial Officer

Approved as to Legal Form: 



Ruth Moscovitch  
General Counsel