

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 adding Sections  
5 10-20.87 and 34-18.87 and by changing Section 27A-5 as  
6 follows:

7 (105 ILCS 5/10-20.87 new)

8 Sec. 10-20.87. Mental health services notification.

9 (a) Beginning with the 2025-2026 school year, each school  
10 district shall:

11 (1) notify the parents or guardians of each student  
12 enrolled in the school district about any mental health  
13 services available in the school in which the student is  
14 enrolled, in the school district, or in the community  
15 where the school is located; and

16 (2) notify each student enrolled in the school  
17 district who is 12 years of age or older of the following  
18 information in an age and developmentally appropriate  
19 manner:

20 (A) mental health services available in the school  
21 in which the student is enrolled, in the school  
22 district, or in the community where the school is  
23 located; and

1           (B) the student's right to request to receive  
2           counseling services or psychotherapy on an outpatient  
3           basis under Section 3-550 of the Mental Health and  
4           Developmental Disabilities Code.

5           (b) A school district shall provide the notifications  
6           required under subsection (a) at the time of enrollment for  
7           students enrolling in the school district for the first time,  
8           prior to November 1 of each school year, and after January 1  
9           but prior to March 1 of each school year. A school district  
10           shall consider the languages most commonly spoken in the  
11           communities where the school district's schools are located  
12           when sending notifications to parents or guardians. A school  
13           district may refer parents or guardians to the Care Portal  
14           established and maintained by the Department of Human Services  
15           under Section 11.4 of the Mental Health and Developmental  
16           Disabilities Administrative Act.

17           (105 ILCS 5/27A-5)

18           (Text of Section before amendment by P.A. 102-466 and  
19           103-472)

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

21           (a) A charter school shall be a public, nonsectarian,  
22           nonreligious, non-home based, and non-profit school. A charter  
23           school shall be organized and operated as a nonprofit  
24           corporation or other discrete, legal, nonprofit entity  
25           authorized under the laws of the State of Illinois.

1 (b) A charter school may be established under this Article  
2 by creating a new school or by converting an existing public  
3 school or attendance center to charter school status. In all  
4 new applications to establish a charter school in a city  
5 having a population exceeding 500,000, operation of the  
6 charter school shall be limited to one campus. This limitation  
7 does not apply to charter schools existing or approved on or  
8 before April 16, 2003.

9 (b-5) (Blank).

10 (c) A charter school shall be administered and governed by  
11 its board of directors or other governing body in the manner  
12 provided in its charter. The governing body of a charter  
13 school shall be subject to the Freedom of Information Act and  
14 the Open Meetings Act. A charter school's board of directors  
15 or other governing body must include at least one parent or  
16 guardian of a pupil currently enrolled in the charter school  
17 who may be selected through the charter school or a charter  
18 network election, appointment by the charter school's board of  
19 directors or other governing body, or by the charter school's  
20 Parent Teacher Organization or its equivalent.

21 (c-5) No later than January 1, 2021 or within the first  
22 year of his or her first term, every voting member of a charter  
23 school's board of directors or other governing body shall  
24 complete a minimum of 4 hours of professional development  
25 leadership training to ensure that each member has sufficient  
26 familiarity with the board's or governing body's role and

1 responsibilities, including financial oversight and  
2 accountability of the school, evaluating the principal's and  
3 school's performance, adherence to the Freedom of Information  
4 Act and the Open Meetings Act, and compliance with education  
5 and labor law. In each subsequent year of his or her term, a  
6 voting member of a charter school's board of directors or  
7 other governing body shall complete a minimum of 2 hours of  
8 professional development training in these same areas. The  
9 training under this subsection may be provided or certified by  
10 a statewide charter school membership association or may be  
11 provided or certified by other qualified providers approved by  
12 the State Board.

13 (d) For purposes of this subsection (d), "non-curricular  
14 health and safety requirement" means any health and safety  
15 requirement created by statute or rule to provide, maintain,  
16 preserve, or safeguard safe or healthful conditions for  
17 students and school personnel or to eliminate, reduce, or  
18 prevent threats to the health and safety of students and  
19 school personnel. "Non-curricular health and safety  
20 requirement" does not include any course of study or  
21 specialized instructional requirement for which the State  
22 Board has established goals and learning standards or which is  
23 designed primarily to impart knowledge and skills for students  
24 to master and apply as an outcome of their education.

25 A charter school shall comply with all non-curricular  
26 health and safety requirements applicable to public schools

1 under the laws of the State of Illinois. The State Board shall  
2 promulgate and post on its Internet website a list of  
3 non-curricular health and safety requirements that a charter  
4 school must meet. The list shall be updated annually no later  
5 than September 1. Any charter contract between a charter  
6 school and its authorizer must contain a provision that  
7 requires the charter school to follow the list of all  
8 non-curricular health and safety requirements promulgated by  
9 the State Board and any non-curricular health and safety  
10 requirements added by the State Board to such list during the  
11 term of the charter. Nothing in this subsection (d) precludes  
12 an authorizer from including non-curricular health and safety  
13 requirements in a charter school contract that are not  
14 contained in the list promulgated by the State Board,  
15 including non-curricular health and safety requirements of the  
16 authorizing local school board.

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

21 (f) A charter school shall be responsible for the  
22 management and operation of its fiscal affairs, including, but  
23 not limited to, the preparation of its budget. An audit of each  
24 charter school's finances shall be conducted annually by an  
25 outside, independent contractor retained by the charter  
26 school. The contractor shall not be an employee of the charter

1 school or affiliated with the charter school or its authorizer  
2 in any way, other than to audit the charter school's finances.  
3 To ensure financial accountability for the use of public  
4 funds, on or before December 1 of every year of operation, each  
5 charter school shall submit to its authorizer and the State  
6 Board a copy of its audit and a copy of the Form 990 the  
7 charter school filed that year with the federal Internal  
8 Revenue Service. In addition, if deemed necessary for proper  
9 financial oversight of the charter school, an authorizer may  
10 require quarterly financial statements from each charter  
11 school.

12 (g) A charter school shall comply with all provisions of  
13 this Article, the Illinois Educational Labor Relations Act,  
14 all federal and State laws and rules applicable to public  
15 schools that pertain to special education and the instruction  
16 of English learners, and its charter. A charter school is  
17 exempt from all other State laws and regulations in this Code  
18 governing public schools and local school board policies;  
19 however, a charter school is not exempt from the following:

20 (1) Sections 10-21.9 and 34-18.5 of this Code  
21 regarding criminal history records checks and checks of  
22 the Statewide Sex Offender Database and Statewide Murderer  
23 and Violent Offender Against Youth Database of applicants  
24 for employment;

25 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
26 34-84a of this Code regarding discipline of students;

1           (3) the Local Governmental and Governmental Employees  
2 Tort Immunity Act;

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

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

7           (5.5) subsection (b) of Section 10-23.12 and  
8 subsection (b) of Section 34-18.6 of this Code;

9           (6) the Illinois School Student Records Act;

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

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

13          (9) Section 27-23.7 of this Code regarding bullying  
14 prevention;

15          (10) Section 2-3.162 of this Code regarding student  
16 discipline reporting;

17          (11) Sections 22-80 and 27-8.1 of this Code;

18          (12) Sections 10-20.60 and 34-18.53 of this Code;

19          (13) Sections 10-20.63 and 34-18.56 of this Code;

20          (14) Sections 22-90 and 26-18 of this Code;

21          (15) Section 22-30 of this Code;

22          (16) Sections 24-12 and 34-85 of this Code;

23          (17) the Seizure Smart School Act;

24          (18) Section 2-3.64a-10 of this Code;

25          (19) Sections 10-20.73 and 34-21.9 of this Code;

26          (20) Section 10-22.25b of this Code;

- 1 (21) Section 27-9.1a of this Code;
- 2 (22) Section 27-9.1b of this Code;
- 3 (23) Section 34-18.8 of this Code;
- 4 (25) Section 2-3.188 of this Code;
- 5 (26) Section 22-85.5 of this Code;
- 6 (27) subsections (d-10), (d-15), and (d-20) of Section
- 7 10-20.56 of this Code;
- 8 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 9 (29) Section 10-20.13 of this Code;
- 10 (30) Section 28-19.2 of this Code;
- 11 (31) Section 34-21.6 of this Code; ~~and~~
- 12 (32) Section 22-85.10 of this Code; and.
- 13 (37) Sections 10-20.87 and 34-18.87 of this Code.

14 The change made by Public Act 96-104 to this subsection

15 (g) is declaratory of existing law.

16 (h) A charter school may negotiate and contract with a

17 school district, the governing body of a State college or

18 university or public community college, or any other public or

19 for-profit or nonprofit private entity for: (i) the use of a

20 school building and grounds or any other real property or

21 facilities that the charter school desires to use or convert

22 for use as a charter school site, (ii) the operation and

23 maintenance thereof, and (iii) the provision of any service,

24 activity, or undertaking that the charter school is required

25 to perform in order to carry out the terms of its charter.

26 Except as provided in subsection (i) of this Section, a school



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

9 (i) In no event shall a charter school that is established  
10 by converting an existing school or attendance center to  
11 charter school status be required to pay rent for space that is  
12 deemed available, as negotiated and provided in the charter  
13 agreement, in school district facilities. However, all other  
14 costs for the operation and maintenance of school district  
15 facilities that are used by the charter school shall be  
16 subject to negotiation between the charter school and the  
17 local school board and shall be set forth in the charter.

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

20 (k) If the charter school is authorized by the State  
21 Board, then the charter school is its own local education  
22 agency.

23 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;  
24 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.  
25 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;  
26 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.

1 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,  
2 eff. 6-30-23.)

3 (Text of Section after amendment by P.A. 103-472 but  
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3 network election, appointment by the charter school's board of  
4 directors or other governing body, or by the charter school's  
5 Parent Teacher Organization or its equivalent.

6 (c-5) No later than January 1, 2021 or within the first  
7 year of his or her first term, every voting member of a charter  
8 school's board of directors or other governing body shall  
9 complete a minimum of 4 hours of professional development  
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- 23 (32) Section 22-85.10 of this Code;
- 24 (33) Section 2-3.196 of this Code;
- 25 (34) Section 22-95 of this Code;
- 26 (35) Section 34-18.62 of this Code; ~~and~~

1           (36) the Illinois Human Rights Act; ~~and-~~

2           (37) Sections 10-20.87 and 34-18.87 of this Code.

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

5           (h) A charter school may negotiate and contract with a  
6 school district, the governing body of a State college or  
7 university or public community college, or any other public or  
8 for-profit or nonprofit private entity for: (i) the use of a  
9 school building and grounds or any other real property or  
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10 school.

11 (g) A charter school shall comply with all provisions of  
12 this Article, the Illinois Educational Labor Relations Act,  
13 all federal and State laws and rules applicable to public  
14 schools that pertain to special education and the instruction  
15 of English learners, and its charter. A charter school is  
16 exempt from all other State laws and regulations in this Code  
17 governing public schools and local school board policies;  
18 however, a charter school is not exempt from the following:

19 (1) Sections 10-21.9 and 34-18.5 of this Code  
20 regarding criminal history records checks and checks of  
21 the Statewide Sex Offender Database and Statewide Murderer  
22 and Violent Offender Against Youth Database of applicants  
23 for employment;

24 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
25 34-84a of this Code regarding discipline of students;

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

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

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

6 (5.5) subsection (b) of Section 10-23.12 and  
7 subsection (b) of Section 34-18.6 of this Code;

8 (6) the Illinois School Student Records Act;

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

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

12 (9) Section 27-23.7 of this Code regarding bullying  
13 prevention;

14 (10) Section 2-3.162 of this Code regarding student  
15 discipline reporting;

16 (11) Sections 22-80 and 27-8.1 of this Code;

17 (12) Sections 10-20.60 and 34-18.53 of this Code;

18 (13) Sections 10-20.63 and 34-18.56 of this Code;

19 (14) Sections 22-90 and 26-18 of this Code;

20 (15) Section 22-30 of this Code;

21 (16) Sections 24-12 and 34-85 of this Code;

22 (17) the Seizure Smart School Act;

23 (18) Section 2-3.64a-10 of this Code;

24 (19) Sections 10-20.73 and 34-21.9 of this Code;

25 (20) Section 10-22.25b of this Code;

26 (21) Section 27-9.1a of this Code;

- 1 (22) Section 27-9.1b of this Code;
- 2 (23) Section 34-18.8 of this Code;
- 3 (24) Article 26A of this Code;
- 4 (25) Section 2-3.188 of this Code;
- 5 (26) Section 22-85.5 of this Code;
- 6 (27) subsections (d-10), (d-15), and (d-20) of Section  
7 10-20.56 of this Code;
- 8 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 9 (29) Section 10-20.13 of this Code;
- 10 (30) Section 28-19.2 of this Code;
- 11 (31) Section 34-21.6 of this Code; ~~and~~
- 12 (32) Section 22-85.10 of this Code;
- 13 (33) Section 2-3.196 of this Code;
- 14 (34) Section 22-95 of this Code;
- 15 (35) Section 34-18.62 of this Code; ~~and~~
- 16 (36) the Illinois Human Rights Act; ~~and~~
- 17 (37) Sections 10-20.87 and 34-18.87 of this Code.

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

20 (h) A charter school may negotiate and contract with a  
21 school district, the governing body of a State college or  
22 university or public community college, or any other public or  
23 for-profit or nonprofit private entity for: (i) the use of a  
24 school building and grounds or any other real property or  
25 facilities that the charter school desires to use or convert  
26 for use as a charter school site, (ii) the operation and

1 maintenance thereof, and (iii) the provision of any service,  
2 activity, or undertaking that the charter school is required  
3 to perform in order to carry out the terms of its charter.  
4 Except as provided in subsection (i) of this Section, a school  
5 district may charge a charter school reasonable rent for the  
6 use of the district's buildings, grounds, and facilities. Any  
7 services for which a charter school contracts with a school  
8 district shall be provided by the district at cost. Any  
9 services for which a charter school contracts with a local  
10 school board or with the governing body of a State college or  
11 university or public community college shall be provided by  
12 the public entity at cost.

13 (i) In no event shall a charter school that is established  
14 by converting an existing school or attendance center to  
15 charter school status be required to pay rent for space that is  
16 deemed available, as negotiated and provided in the charter  
17 agreement, in school district facilities. However, all other  
18 costs for the operation and maintenance of school district  
19 facilities that are used by the charter school shall be  
20 subject to negotiation between the charter school and the  
21 local school board and shall be set forth in the charter.

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

24 (k) If the charter school is authorized by the State  
25 Board, then the charter school is its own local education  
26 agency.



1 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;  
2 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.  
3 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,  
4 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;  
5 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.  
6 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised  
7 8-31-23.)

8 (105 ILCS 5/34-18.87 new)

9 Sec. 34-18.87. Mental health services notification.

10 (a) Beginning with the 2025-2026 school year, the school  
11 district shall:

12 (1) notify the parents or guardians of each student  
13 enrolled in the school district about any mental health  
14 services available in the school in which the student is  
15 enrolled, in the school district, or in the community  
16 where the school is located; and

17 (2) notify each student enrolled in the school  
18 district who is 12 years of age or older of the following  
19 information in an age and developmentally appropriate  
20 manner:

21 (A) mental health services available in the school  
22 in which the student is enrolled, in the school  
23 district, or in the community where the school is  
24 located; and

25 (B) the student's right to request to receive

1           counseling services or psychotherapy on an outpatient  
2           basis under Section 3-550 of the Mental Health and  
3           Developmental Disabilities Code.

4           (b) The school district shall provide the notifications  
5           required under subsection (a) at the time of enrollment for  
6           students enrolling in the school district for the first time,  
7           prior to November 1 of each school year, and after January 1  
8           but prior to March 1 of each school year. The school district  
9           shall consider the languages most commonly spoken in the  
10           communities where the school district's schools are located  
11           when sending notifications to parents or guardians. The school  
12           district may refer parents or guardians to the Care Portal  
13           established and maintained by the Department of Human Services  
14           under Section 11.4 of the Mental Health and Developmental  
15           Disabilities Administrative Act.

16           Section 95. No acceleration or delay. Where this Act makes  
17           changes in a statute that is represented in this Act by text  
18           that is not yet or no longer in effect (for example, a Section  
19           represented by multiple versions), the use of that text does  
20           not accelerate or delay the taking effect of (i) the changes  
21           made by this Act or (ii) provisions derived from any other  
22           Public Act.