

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 1. Short title. This Act may be cited as the Right
5 to Play Act.

6 Section 5. Definitions. As used in this Act:

7 "Nonschool athletic activity" means an organized athletic
8 activity that is not sponsored by or associated with a school
9 and in which participants are:

10 (1) engaged in an athletic game or competition against
11 another team, club, or entity; or

12 (2) in practice or preparation for an athletic game or
13 competition against another team, club, or entity.

14 "Participate" means to:

15 (1) try out for an athletic activity;

16 (2) practice for an athletic activity;

17 (3) be a member of an athletic activity; or

18 (4) play for an athletic activity.

19 "School" means:

20 (1) a public school, charter school, or school
21 district; or

22 (2) a nonpublic school.

23 "School athletic activity" means an organized athletic

1 activity that is sponsored by or associated with a school and
2 in which participants are:

3 (1) engaged in an athletic game or competition against
4 another team, club, or entity; or

5 (2) in practice or preparation for an athletic game or
6 competition against another team, club, or entity.

7 "Season" means the official period of time during which a
8 school athletic activity is played, including a playoff game.

9 Section 10. Right to play. A student who is a member of a
10 school athletic activity may participate, with a waiver
11 granted by the principal or athletic director from the
12 student's school, in a nonschool athletic activity that is of
13 the same sport as the school athletic activity during the
14 season in which the student participates in the school
15 athletic activity without losing eligibility to participate in
16 the school athletic activity. The waiver may also apply to
17 "all-star team" events. Up to 2 waivers per student may be
18 granted over the course of each school year. The waiver shall
19 be reported by the school granting the waiver to an
20 association or other entity that has as one of its purposes
21 promoting, sponsoring, regulating, or in any manner providing
22 for interscholastic athletics or any form of athletic
23 competition among schools and students within this State.

24 Section 90. The School Code is amended by changing Section

1 27A-5 as follows:

2 (105 ILCS 5/27A-5)

3 (Text of Section before amendment by P.A. 102-466)

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

5 (a) A charter school shall be a public, nonsectarian,
6 nonreligious, non-home based, and non-profit school. A charter
7 school shall be organized and operated as a nonprofit
8 corporation or other discrete, legal, nonprofit entity
9 authorized under the laws of the State of Illinois.

10 (b) A charter school may be established under this Article
11 by creating a new school or by converting an existing public
12 school or attendance center to charter school status. In all
13 new applications to establish a charter school in a city
14 having a population exceeding 500,000, operation of the
15 charter school shall be limited to one campus. This limitation
16 does not apply to charter schools existing or approved on or
17 before April 16, 2003.

18 (b-5) (Blank).

19 (c) A charter school shall be administered and governed by
20 its board of directors or other governing body in the manner
21 provided in its charter. The governing body of a charter
22 school shall be subject to the Freedom of Information Act and
23 the Open Meetings Act. A charter school's board of directors
24 or other governing body must include at least one parent or
25 guardian of a pupil currently enrolled in the charter school

1 who may be selected through the charter school or a charter
2 network election, appointment by the charter school's board of
3 directors or other governing body, or by the charter school's
4 Parent Teacher Organization or its equivalent.

5 (c-5) No later than January 1, 2021 or within the first
6 year of his or her first term, every voting member of a charter
7 school's board of directors or other governing body shall
8 complete a minimum of 4 hours of professional development
9 leadership training to ensure that each member has sufficient
10 familiarity with the board's or governing body's role and
11 responsibilities, including financial oversight and
12 accountability of the school, evaluating the principal's and
13 school's performance, adherence to the Freedom of Information
14 Act and the Open Meetings Act, and compliance with education
15 and labor law. In each subsequent year of his or her term, a
16 voting member of a charter school's board of directors or
17 other governing body shall complete a minimum of 2 hours of
18 professional development training in these same areas. The
19 training under this subsection may be provided or certified by
20 a statewide charter school membership association or may be
21 provided or certified by other qualified providers approved by
22 the State Board.

23 (d) For purposes of this subsection (d), "non-curricular
24 health and safety requirement" means any health and safety
25 requirement created by statute or rule to provide, maintain,
26 preserve, or safeguard safe or healthful conditions for

1 students and school personnel or to eliminate, reduce, or
2 prevent threats to the health and safety of students and
3 school personnel. "Non-curricular health and safety
4 requirement" does not include any course of study or
5 specialized instructional requirement for which the State
6 Board has established goals and learning standards or which is
7 designed primarily to impart knowledge and skills for students
8 to master and apply as an outcome of their education.

9 A charter school shall comply with all non-curricular
10 health and safety requirements applicable to public schools
11 under the laws of the State of Illinois. The State Board shall
12 promulgate and post on its Internet website a list of
13 non-curricular health and safety requirements that a charter
14 school must meet. The list shall be updated annually no later
15 than September 1. Any charter contract between a charter
16 school and its authorizer must contain a provision that
17 requires the charter school to follow the list of all
18 non-curricular health and safety requirements promulgated by
19 the State Board and any non-curricular health and safety
20 requirements added by the State Board to such list during the
21 term of the charter. Nothing in this subsection (d) precludes
22 an authorizer from including non-curricular health and safety
23 requirements in a charter school contract that are not
24 contained in the list promulgated by the State Board,
25 including non-curricular health and safety requirements of the
26 authorizing local school board.

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

5 (f) A charter school shall be responsible for the
6 management and operation of its fiscal affairs, including, but
7 not limited to, the preparation of its budget. An audit of each
8 charter school's finances shall be conducted annually by an
9 outside, independent contractor retained by the charter
10 school. The contractor shall not be an employee of the charter
11 school or affiliated with the charter school or its authorizer
12 in any way, other than to audit the charter school's finances.
13 To ensure financial accountability for the use of public
14 funds, on or before December 1 of every year of operation, each
15 charter school shall submit to its authorizer and the State
16 Board a copy of its audit and a copy of the Form 990 the
17 charter school filed that year with the federal Internal
18 Revenue Service. In addition, if deemed necessary for proper
19 financial oversight of the charter school, an authorizer may
20 require quarterly financial statements from each charter
21 school.

22 (g) A charter school shall comply with all provisions of
23 this Article, the Illinois Educational Labor Relations Act,
24 all federal and State laws and rules applicable to public
25 schools that pertain to special education and the instruction
26 of English learners, and its charter. A charter school is

1 exempt from all other State laws and regulations in this Code
2 governing public schools and local school board policies;
3 however, a charter school is not exempt from the following:

4 (1) Sections 10-21.9 and 34-18.5 of this Code
5 regarding criminal history records checks and checks of
6 the Statewide Sex Offender Database and Statewide Murderer
7 and Violent Offender Against Youth Database of applicants
8 for employment;

9 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
10 and 34-84a of this Code regarding discipline of students;

11 (3) the Local Governmental and Governmental Employees
12 Tort Immunity Act;

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

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

17 (5.5) subsection (b) of Section 10-23.12 and
18 subsection (b) of Section 34-18.6 of this Code;

19 (6) the Illinois School Student Records Act;

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

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

23 (9) Section 27-23.7 of this Code regarding bullying
24 prevention;

25 (10) Section 2-3.162 of this Code regarding student
26 discipline reporting;

- (11) Sections 22-80 and 27-8.1 of this Code;
- (12) Sections 10-20.60 and 34-18.53 of this Code;
- (13) Sections 10-20.63 and 34-18.56 of this Code;
- (14) Sections 22-90 and 26-18 of this Code;
- (15) Section 22-30 of this Code;
- (16) Sections 24-12 and 34-85 of this Code;
- (17) the Seizure Smart School Act;
- (18) Section 2-3.64a-10 of this Code;
- (19) Sections 10-20.73 and 34-21.9 of this Code;
- (20) Section 10-22.25b of this Code;
- (21) Section 27-9.1a of this Code;
- (22) Section 27-9.1b of this Code;
- (23) Section 34-18.8 of this Code;
- (25) Section 2-3.188 of this Code;
- (26) Section 22-85.5 of this Code;
- (27) subsections (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code;
- (28) Sections 10-20.83 and 34-18.78 of this Code;
- (29) Section 10-20.13 of this Code;
- (30) Section 28-19.2 of this Code;
- (31) Section 34-21.6 of this Code;
- (32) Section 22-85.10 of this Code;
- (33) Section 2-3.196 of this Code;
- (34) Section 22-95 of this Code;
- (35) Section 34-18.62 of this Code;
- (36) the Illinois Human Rights Act; ~~and~~

1 (37) Section 2-3.204 of this Code; ~~and-~~

2 (38) the Right to Play Act.

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
10 facilities that the charter school desires to use or convert
11 for use as a charter school site, (ii) the operation and
12 maintenance thereof, and (iii) the provision of any service,
13 activity, or undertaking that the charter school is required
14 to perform in order to carry out the terms of its charter.
15 Except as provided in subsection (i) of this Section, a school
16 district may charge a charter school reasonable rent for the
17 use of the district's buildings, grounds, and facilities. Any
18 services for which a charter school contracts with a school
19 district shall be provided by the district at cost. Any
20 services for which a charter school contracts with a local
21 school board or with the governing body of a State college or
22 university or public community college shall be provided by
23 the public entity at cost.

24 (i) In no event shall a charter school that is established
25 by converting an existing school or attendance center to
26 charter school status be required to pay rent for space that is

1 deemed available, as negotiated and provided in the charter
2 agreement, in school district facilities. However, all other
3 costs for the operation and maintenance of school district
4 facilities that are used by the charter school shall be
5 subject to negotiation between the charter school and the
6 local school board and shall be set forth in the charter.

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

9 (k) If the charter school is authorized by the State
10 Board, then the charter school is its own local education
11 agency.

12 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
13 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
14 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
15 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
16 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
17 eff. 6-30-23; 103-472, eff. 8-1-24; 103-605, eff. 7-1-24;
18 103-641, eff. 7-1-24; 103-806, eff. 1-1-25; revised 10-9-24.)

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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
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- 3 (23) Section 34-18.8 of this Code;
- 4 (24) Article 26A of this Code;
- 5 (25) Section 2-3.188 of this Code;
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20 The change made by Public Act 96-104 to this subsection

21 (g) is declaratory of existing law.

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

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

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

26 school building and grounds or any other real property or

1 facilities that the charter school desires to use or convert
2 for use as a charter school site, (ii) the operation and
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4 activity, or undertaking that the charter school is required
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6 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
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8 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; 103-605,
9 eff. 7-1-24; 103-641, eff. 7-1-24; 103-806, eff. 1-1-25;
10 revised 11-26-24.)

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