

HB5404



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5404

Introduced 2/13/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

775 ILCS 5/5A-103

Amends the Illinois Human Rights Act. Includes sex, sexual orientation, and gender identity as matters in which discrimination is prohibited under the Educational Article.

LRB104 19711 JRC 33161 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 5A-103 as follows:

6 (775 ILCS 5/5A-103)

7 Sec. 5A-103. Discrimination and harassment based on race,
8 color, sex, sexual orientation, gender identity, or national
9 origin; and retaliation.

10 (a) The General Assembly finds that harassment and
11 discrimination based on race, color, sex, sexual orientation,
12 gender identity, or national origin has a detrimental
13 influence in schools, contributing to psychological and
14 physical harm and poorer academic outcomes for students of
15 color, and higher rates of teacher turnover among teachers of
16 color. It is the General Assembly's intent that each
17 institution of elementary and secondary education in the State
18 adopt and actively implement policies to reduce and respond
19 effectively to harassment and discrimination based on race,
20 color, sex, sexual orientation, gender identity, and national
21 origin; to provide students, parents or guardians, and
22 employees information on how to recognize and report
23 harassment and discrimination; and, for students, parents or

1 guardians, and employees, to report harassment and
2 discrimination based on race, color, sex, sexual orientation,
3 gender identity, or national origin without fear of
4 retaliation, loss of status, or loss of opportunities.

5 (b) The Department shall produce a model training program
6 aimed at the prevention of discrimination and harassment based
7 on race, color, sex, sexual orientation, gender identity, and
8 national origin in institutions of elementary and secondary
9 education. The model program shall be made available to
10 institutions of elementary and secondary education and to the
11 public online at no cost. This model program shall regard
12 participants as potential bystanders, rather than potential
13 offenders, and include, at a minimum, the following:

14 (1) a primary focus on preventing discrimination and
15 harassment based on race, color, sex, sexual orientation,
16 gender identity, and national origin and retaliation;

17 (2) an explanation of discrimination and harassment
18 based on race, color, sex, sexual orientation, gender
19 identity, and national origin and retaliation;

20 (3) examples of conduct that constitutes
21 discrimination and harassment based on race, color, sex,
22 sexual orientation, gender identity, and national origin
23 and retaliation;

24 (4) an explanation, with examples, of how patterns of
25 conduct can, taken together over time, rise to the level
26 of bullying, harassment, or discrimination;

1 (5) an explanation of the difference between
2 discrimination based on disparate treatment and
3 discrimination based on disparate impact;

4 (6) a summary of other classes that are protected from
5 harassment and discrimination, and a statement that
6 training intended to improve recognition of discrimination
7 and harassment based on race, color, sex, sexual
8 orientation, gender identity, and national origin does not
9 diminish protections under the law for other protected
10 classes;

11 (7) an explanation of the difference between
12 harassment as defined under this Act and bullying;

13 (8) a summary of relevant federal and State statutory
14 protections and remedies available to victims concerning
15 discrimination and harassment based on race, color, sex,
16 sexual orientation, gender identity, and national origin,
17 and retaliation, including, but not limited to, a summary
18 of this Act's protections from discrimination, harassment
19 and retaliation in the following contexts:

20 (a) students toward other students;

21 (b) teachers and other employees of an elementary
22 or secondary school toward students;

23 (c) students toward teachers and other employees
24 of an elementary or secondary school; and

25 (d) teachers and other employees of an elementary
26 or secondary school toward other teachers and

1 employees of an elementary or secondary school.

2 (9) directions on how to contact the Department if a
3 school fails to take corrective action to stop the
4 harassment or discrimination;

5 (10) a summary of responsibilities of institutions of
6 elementary or secondary education in the prevention,
7 investigation, and corrective measures of discrimination,
8 harassment, and retaliation, including, but not limited
9 to, explanation of responsibilities in the following
10 contexts:

11 (a) students toward other students;

12 (b) teachers and other employees of an elementary
13 or secondary school toward students;

14 (c) students toward teachers and other employees
15 of an elementary or secondary school; and

16 (d) teachers and other employees of an elementary
17 or secondary school toward other teachers and
18 employees of an elementary or secondary school; and

19 (11) an explanation of the liability for
20 discrimination, harassment, and retaliation under this
21 Act.

22 (c) Every institution of elementary or secondary education
23 in this State shall use the model training program developed
24 by the Department, establish its own training program that
25 equals or exceeds the minimum standards set forth in
26 subsection (b), or use an existing discrimination and

1 harassment prevention training program that equals or exceeds
2 the minimum standards set forth in subsection (b). The
3 training program shall be provided as a component of all new
4 employee training programs for elementary and secondary
5 education representatives and to existing representatives at
6 least once every 2 years. For the purposes of satisfying the
7 requirements under this Section, the Department's model
8 program may be used to supplement any existing program an
9 institution of elementary or secondary education is utilizing
10 or develops.

11 (d) Upon notification of a violation of subsection (c),
12 the Department may launch a preliminary investigation. If the
13 Department finds a violation of this Section, the Department
14 may issue a notice to show cause, giving the institution of
15 elementary or secondary education 30 days to correct the
16 violation. If the institution of elementary or secondary
17 education does not correct the violation within 30 days, the
18 Department may initiate a charge of a civil rights violation.

19 (Source: P.A. 103-472, eff. 8-1-24.)