



Sen. Ram Villivalam

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1 AMENDMENT TO SENATE BILL 2762

2 AMENDMENT NO. _____. Amend Senate Bill 2762 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-23.13, 27A-5, and 34-18.8 and by adding Section 27-9.1a as
6 follows:

7 (105 ILCS 5/10-23.13)

8 Sec. 10-23.13. Policies addressing sexual abuse. Beginning
9 no later than July 1, 2022, a school district shall ~~to~~ adopt
10 and implement a policy addressing sexual abuse of children that
11 shall ~~may~~ include age-appropriate curriculum for students in
12 pre-K through ~~12th~~ 5th grade; training for school personnel on
13 child sexual abuse; educational information to parents or
14 guardians provided in the school handbook on the warning signs
15 of a child being abused, along with any needed assistance,
16 referral, or resource information; available counseling and

1 resources for students affected by sexual abuse; and emotional
2 and educational support for a child of abuse to continue to be
3 successful in school.

4 A ~~Any~~ policy adopted under the Section shall ~~may~~ address
5 without limitation:

6 (1) ~~methods for increasing~~ teacher, student, and
7 parent awareness of issues regarding sexual abuse of
8 children, including knowledge of likely warning signs
9 indicating that a child may be a victim of sexual abuse,
10 and the provision of information on how to prevent child
11 abuse from happening;

12 (1.5) training for school personnel, including, but
13 not limited to, training as outlined in Section 10-22.39;

14 (2) options ~~actions~~ that a student ~~child~~ who is a
15 victim of sexual abuse has ~~should take~~ to obtain assistance
16 and intervention; ~~and~~

17 (3) available counseling options for students affected
18 by sexual abuse; and.

19 (4) methods for educating school personnel, students,
20 and staff on how to report child abuse.

21 This Section may be referred to as Erin's Law.

22 (Source: P.A. 96-1524, eff. 2-14-11.)

23 (105 ILCS 5/27-9.1a new)

24 Sec. 27-9.1a. Responsible education for adolescents and
25 children health (REACH).

1 (a) The General Assembly finds all of the following:

2 (1) Sex education can encourage better sexual health
3 outcomes, reduce stigma, and prepare young people to lead
4 healthy and fulfilling lives.

5 (2) Students who receive sex education that includes
6 health-positive instruction on sexual orientation, gender
7 identity, and gender expression report less bullying and
8 harassment.

9 (3) Parents, the general public, and young people
10 overwhelmingly support comprehensive sex education.

11 (4) Polling has found that 96% of parents support
12 providing sex education in high school and 93% support sex
13 education in middle school.

14 (5) The leading health and education organizations
15 support sex education that includes information about both
16 delaying sexual activity and contraceptive use.

17 (6) Students often lack the education needed to prevent
18 pregnancy, HIV and other sexually transmitted infections,
19 to develop healthy relationships, to plan for personal
20 safety, and to develop decision-making skills.

21 (7) Schools have a responsibility to address child
22 abuse, harassment, bullying, inter-personal violence, and
23 personal safety issues, which can have a significant impact
24 on a student's emotional and physical well-being and
25 academic success.

26 It is the intent of the General Assembly that comprehensive

1 sex education shall promote awareness and healthy attitudes
2 about growth and development, body image, gender identity,
3 gender expression, sexuality, sexual health, sexual
4 orientation, consent, dating, relationships, and families;
5 should be designed to promote positive behaviors and reduce
6 health-related risk behaviors; and must be available to
7 students in kindergarten through 12th grade and provide
8 students with the information, skills, and support needed to
9 acquire accurate information to make healthy decisions
10 throughout their lives.

11 (b) In this Section:

12 "Abstinence" means to refrain from engaging in any sexual
13 behavior or from engaging in specific sexual behavior, such as
14 sexual intercourse, either continuously or periodically.

15 "Age and developmentally appropriate" means suitable for a
16 particular age or age group of children and adolescents, based
17 on the cognitive, emotional, and behavioral development
18 typical of that age or age group.

19 "Characteristics of effective programs" means the aspects
20 of evidence-based programs, including development, content,
21 and the implementation of programs that have been shown to be
22 effective in increasing knowledge, clarifying values and
23 attitudes, increasing skills, and impacting behavior and are
24 widely recognized by leading medical and public health agencies
25 to be effective in changing sexual behaviors that lead to
26 sexually transmitted infections, including HIV, unintended

1 pregnancy, dating violence, and sexual violence among young
2 people.

3 "Comprehensive sex education" means instruction in a
4 comprehensive school health education approach that addresses
5 the physical, mental, emotional, and social dimensions of human
6 sexuality and is designed to motivate and assist students in
7 maintaining and improving sexual health, preventing disease,
8 and reducing sexual health-related risk behaviors and to enable
9 and empower students to develop and demonstrate
10 developmentally and culturally appropriate sexuality and
11 sexual health-related knowledge, attitudes, skills, and
12 practices.

13 "Consent" means knowing, affirmative, conscious, and
14 voluntary agreement to engage in specific interpersonal,
15 physical, or sexual activity at a given time.

16 "Culturally appropriate" means materials and instruction
17 that respond to culturally diverse individuals, families, and
18 communities in an inclusive, respectful, and effective manner.

19 "Culturally appropriate" includes materials and instruction
20 that are inclusive of the experiences and needs of communities
21 of color, communities of all ethnic and cultural backgrounds,
22 immigrant communities, English learners, people of diverse
23 sexual orientations, gender identities, and gender
24 expressions, people who are intersex, people who have physical
25 or intellectual disabilities, people who have experienced
26 sexual victimization, and people whose experiences have

1 traditionally been left out of sexual health education,
2 programs, and policies.

3 "Gender stereotype" means a generalized view or
4 preconception about what attributes, characteristics, or roles
5 are or ought to be taught, possessed by, or performed by women
6 and men.

7 "Inclusive" means a curriculum that ensures that students
8 from historically marginalized communities that include, but
9 are not limited to, communities of color, immigrant
10 communities, people of diverse sexual orientations, gender
11 identities, and gender expressions, people who are intersex,
12 people who have disabilities, people who have experienced
13 sexual victimization, and others whose experiences have been
14 traditionally left out of sex education programs and policies
15 are included in classroom materials and lessons.

16 "Instructors trained in appropriate courses" means
17 instructors who have knowledge of the most recent medically
18 accurate and complete research on human sexuality, health
19 relationships, pregnancy, HIV, and other sexually transmitted
20 infections.

21 "Medically accurate and complete" means that the
22 information provided through the instruction is verified or
23 supported by research conducted in compliance with accepted
24 scientific methods and is published in peer-reviewed journals
25 by the federal Centers for Disease Control and Prevention, the
26 American Public Health Association, the American Academy of

1 Pediatrics, and the American College of Obstetricians and
2 Gynecologists, if applicable, or the program contains
3 information that leading professional public health or medical
4 organizations, government agencies, and scientific advisory
5 groups with relevant expertise in the field recognize as
6 accurate, objective, and complete. Also, the program does not
7 withhold information about external anatomy involved in sexual
8 functioning or in the effectiveness and benefits of correct and
9 consistent use of condoms and other contraceptives.

10 "Sexting" means the act of sending, sharing, receiving, or
11 forwarding a sexually explicit or sexually suggestive image,
12 video, or text message by a digital or electronic device,
13 including, but not limited to, a mobile or cellular telephone
14 or a computer.

15 "Sexual violence" means an act of a sexual nature that is
16 committed or attempted by another person without the freely
17 given consent of the victim or against someone who is unable to
18 consent or refuse. "Sexual violence" includes acts of sexual
19 harassment, sexual abuse, and sexual assault.

20 "Sexual development" means the lifelong process of
21 physical, behavioral, cognitive, and emotional growth and
22 changes as it relates to an individual's sexuality and sexual
23 maturation. "Sexual development" includes puberty, identity
24 development, socio-cultural influences, and sexual behaviors.

25 "Trauma informed" means to address vital information about
26 sexuality and well-being that takes into consideration how

1 adverse life experiences may potentially influence sexual
2 decision making.

3 (c) Comprehensive sex education requirements under this
4 Section are as follows:

5 (1) Beginning no later than July 1, 2021, comprehensive
6 sex education shall do all of the following:

7 (A) Reflect the characteristics of effective
8 programs.

9 (B) Use and implement curricula that is trauma
10 informed.

11 (C) Use or adopt curricula that are inclusive and
12 address the experiences and needs of all youth in the
13 school. Instruction must be accessible to pupils with
14 disabilities, and may include the use of a modified
15 curriculum, materials, instruction in alternative
16 formats, and auxiliary aids.

17 (D) Not discriminate on the basis of sex, race,
18 ethnicity, national origin, disability, religion,
19 gender expression, gender identity, or sexual
20 orientation.

21 (E) Allow instructors trained in appropriate
22 courses to answer questions initiated by a student that
23 are related to and consistent with the material of the
24 course.

25 (2) Beginning no later than July 1, 2021, comprehensive
26 sex education may not:

1 (A) use shame-based or stigmatizing language or
2 instructional tools or stigmatize parenting or
3 sexually active youth;

4 (B) stigmatize or further victimize students
5 impacted by sexual violence;

6 (C) employ gender stereotypes;

7 (D) exclude the health needs of individuals who are
8 intersex or individuals of diverse sexual
9 orientations, gender identities, or gender
10 expressions; or

11 (E) teach or promote any religious doctrine.

12 (3) Beginning no later than July 1, 2021, comprehensive
13 sex education instruction and materials, including
14 materials provided or presented by outside organizations
15 or guest speakers, may not conflict with the provisions of
16 this Section.

17 (4) Beginning no later than July 1, 2021, a school
18 district shall provide inclusive, medically accurate and
19 complete, age and developmentally appropriate, and
20 culturally appropriate comprehensive sex education in the
21 6th through 12th grades in all public schools, including
22 charter schools. Comprehensive sex education in the 6th
23 through 12th grades shall include age and developmentally
24 appropriate instruction on all of the following topics:

25 (A) The physical, social, and emotional changes of
26 human development.

1 (B) Human anatomy, reproduction, and sexual
2 development.

3 (C) Healthy relationships, including family and
4 friendships, that are based on mutual consent and
5 developing the ability to distinguish between healthy
6 and unhealthy relationships. Such instruction shall
7 include, but not be limited to:

8 (i) how to promote personal safety;

9 (ii) an examination of the harm caused by
10 gender-role stereotypes, violence, coercion,
11 bullying, and intimidation in relationships, both
12 in person and through means of technology; and

13 (iii) the exploration about how gender
14 stereotypes can limit all people.

15 (D) Healthy decision-making skills about sexuality
16 and relationships. Such instruction shall include, but
17 not be limited to:

18 (i) critical thinking, problem solving,
19 self-efficacy, and decision making; and

20 (ii) exploring individual values and
21 attitudes.

22 (E) The promotion of positive body image among
23 students to develop an understanding that there is a
24 range of body types and to feel positive about one's
25 own body type.

26 (F) The promotion of positive sexuality, the

1 reality that there is a range of healthy sexual
2 behaviors, and students should feel positive about
3 sexual behaviors that are consensual, affirming, and
4 pleasurable.

5 (G) The Internet safety education curriculum under
6 Section 27-13.3.

7 (H) Discussion about social media, dating and
8 relationship websites or applications, and sexting,
9 including:

10 (i) the possible consequences of sharing or
11 forwarding sexually explicit or sexually
12 suggestive photographs or images, videos, or text
13 messages;

14 (ii) the identification of situations in which
15 bullying or harassment may result as a consequence
16 of using social media, dating applications, or
17 engaging in sexting;

18 (iii) the possible long-term legal, social,
19 academic, and other consequences that may result
20 from possessing or distributing sexual content;

21 (iv) the importance of using the Internet
22 safely and how social media, dating applications,
23 and sexting may pose a risk to personal safety;

24 (v) the identification of individuals,
25 including school personnel, community members, and
26 parents, who may provide assistance with issues,

1 concerns, or problems resulting from use of the
2 Internet; and

3 (vi) the development of strategies for
4 resisting peer pressure and for communicating in a
5 positive manner.

6 (I) Information about interpersonal violence,
7 sexual violence, and human trafficking. Information
8 about human trafficking shall include both of the
9 following:

10 (i) Information on the prevalence, nature, and
11 strategies to reduce the risk of human
12 trafficking, techniques to set healthy boundaries,
13 and how to safely seek assistance.

14 (ii) Information on how social media and
15 mobile device applications are used for human
16 trafficking.

17 (J) Information about adolescent relationship
18 abuse and intimate partner violence, including the
19 early warning signs thereof.

20 (K) Information about confidential local services
21 and resources in which students can obtain additional
22 information related to bullying, dating violence,
23 sexual violence, suicide prevention, and other related
24 care without immediate parental notification or
25 consent.

26 (L) Information about mandated reporting of abused

1 and neglected children as required by the Abused and
2 Neglected Child Reporting Act.

3 (M) Course material and instruction must include
4 an age and developmentally appropriate discussion on
5 the meaning of consent that includes discussion on
6 recognizing all of the following:

7 (i) That consent is a freely given agreement to
8 sexual activity.

9 (ii) That consent to one particular sexual
10 activity does not constitute consent to other
11 types of sexual activities.

12 (iii) That a person's lack of verbal or
13 physical resistance or submission resulting from
14 the use or threat of force does not constitute
15 consent.

16 (iv) That a person's manner of dress does not
17 constitute consent.

18 (v) That a person's consent to past sexual
19 activity does not constitute consent to future
20 sexual activity.

21 (vi) That a person's consent to engage in
22 sexual activity with one person does not
23 constitute consent to engage in sexual activity
24 with another person.

25 (vii) That a person can withdraw consent at any
26 time.

1 (viii) That a person cannot consent to sexual
2 activity if that person is unable to understand the
3 nature of the activity or give knowing consent due
4 to certain circumstances that include, but are not
5 limited to, (I) the person is incapacitated due to
6 the use or influence of alcohol or drugs, (II) the
7 person is asleep or unconscious, (III) the person
8 is a minor, or (IV) the person is incapacitated due
9 to a mental disability.

10 (N) Encouraging youth to communicate with parents
11 or guardians, health and social service professionals,
12 and other trusted adults about sexuality and intimate
13 relationships.

14 (O) Creating a safe and culturally appropriate
15 environment for all students and others in society.

16 (P) Affirmative and inclusive examples of varying
17 types of relationships and family structures.
18 Discussion of healthy relationships and personal
19 safety must include affirmative representation and
20 health-positive instruction on diverse sexual
21 orientations, gender identities, and gender
22 expressions.

23 (Q) The benefits of abstinence, behavioral
24 changes, the use of barrier methods, medication,
25 contraception, and sexually transmitted infection
26 prevention measures, including:

1 (i) instruction on how to effectively use
2 condoms, barrier methods, and preventative
3 medication to protect against sexually transmitted
4 infections, including HIV;

5 (ii) the benefits of contraception, condoms,
6 and barrier methods to avoid pregnancy and how to
7 effectively use each method;

8 (iii) the relationship between substance use
9 and sexual health and behaviors;

10 (iv) information about local health services
11 in which students can obtain additional
12 information and services related to sexual and
13 reproductive health and other related care; and

14 (v) information about the rights of
15 individuals to obtain contraceptives and sexual
16 health care.

17 (R) Unbiased information and non-stigmatizing
18 information about the options regarding pregnancy,
19 including parenting, adoption, and abortion.

20 (S) Information concerning the Abandoned Newborn
21 Infant Protection Act that relate to the safe
22 abandonment of a child to a firefighter at a fire
23 station or to a staff member at a hospital or a
24 community clinic or at an emergency center within the
25 first 30 days of the child's life.

26 (T) Affirmative recognition of the roles that

1 traditions, values, norms, gender roles,
2 acculturation, family structure, health beliefs, and
3 political power play in how students make decisions
4 that affect their sexual health.

5 (U) Examples of diverse races, ethnicities,
6 genders, sexual orientations, gender identities,
7 gender expressions, cultures, and families, including
8 single-parent households and young families.

9 (V) Information about sexual orientation, gender
10 identity, and gender expression for all students,
11 including:

12 (i) an affirmative recognition that people
13 have diverse sexual orientations, gender
14 identities, and gender expressions; and

15 (ii) referrals to community resources that can
16 provide additional support for students of diverse
17 sexual orientations, gender identities, and gender
18 expressions.

19 (W) Opportunities to explore the roles that race,
20 ethnicity, immigration status, disability status,
21 sexual orientation, gender identity, gender
22 expression, economic status, and language within
23 different communities play in how students make
24 decisions that affect their sexual health.

25 (5) Beginning no later than July 1, 2022, a school
26 district shall provide inclusive, medically accurate and

1 complete, age and developmentally appropriate, and
2 culturally appropriate comprehensive sex education in the
3 3rd through 5th grades in all public schools, including
4 charter schools. Comprehensive sex education in the 3rd
5 through 5th grades shall include age and developmentally
6 appropriate instruction on all of the following topics:

7 (A) Human anatomy and reproduction.

8 (B) Puberty, including the physical, social, and
9 emotional changes that occur during puberty and
10 adolescence.

11 (C) The promotion of positive body image among
12 students to develop an understanding that there is a
13 range of body types and to feel positive about one's
14 own body type.

15 (D) Personal hygiene.

16 (E) Information about diverse sexual orientations,
17 gender identities, and gender expressions.

18 (F) Healthy relationships, including family and
19 friendships, that are based on mutual consent and
20 developing the ability to distinguish between healthy
21 and unhealthy relationships and how to promote
22 personal safety.

23 (G) The examination of the harm caused by
24 gender-role stereotypes, coercion, bullying,
25 harassment, and intimidation in relationships.

26 (H) Bullying, harassment, and abuse.

1 (I) Reliance on and communication with parents and
2 trusted adults for help managing the physical, social,
3 and emotional changes during puberty, developing
4 healthy relationships, personal safety, and dealing
5 with bullying, harassment, or abuse.

6 (J) Discussion about social media, dating
7 applications, sexting, and other Internet-based
8 methods of communicating in relationships, including:

9 (i) the possible consequences of sharing or
10 forwarding sexually explicit or sexually
11 suggestive photographs or images, videos, or text
12 messages;

13 (ii) the identification of situations in which
14 bullying or harassment may result as a consequence
15 of using social media and dating applications or
16 engaging in sexting;

17 (iii) the possible long-term legal, social,
18 academic, and other consequences that may result
19 from possessing or distributing sexual content;

20 (iv) the importance of using the Internet
21 safely and how social media, dating applications,
22 and sexting may pose a risk to personal safety;

23 (v) the identification of individuals,
24 including school personnel, community members, and
25 parents, who may provide assistance with issues,
26 concerns, or problems resulting from use of the

1 Internet; and

2 (vi) the development of strategies for
3 resisting peer pressure and for communicating in a
4 positive manner.

5 (K) Information about interpersonal violence,
6 sexual violence, and human trafficking. The
7 information about human trafficking shall include both
8 of the following:

9 (i) Information on the prevalence, nature, and
10 strategies to reduce the risk of human
11 trafficking, the techniques to set healthy
12 boundaries, and how to safely seek assistance.

13 (ii) Information about how social media and
14 mobile device applications are used for human
15 trafficking.

16 (L) Information about confidential local services
17 and resources where students can obtain additional
18 information related to bullying, dating violence and
19 sexual assault, suicide prevention, and other related
20 care without immediate parental notification or
21 consent.

22 (M) Information about mandated reporting of abused
23 and neglected children as required by the Abused and
24 Neglected Child Reporting Act.

25 (6) Beginning no later than July 1, 2022, a school
26 district shall provide inclusive, medically accurate and

1 complete, age and developmentally appropriate, and
2 culturally appropriate comprehensive sex education in the
3 1st and 2nd grades and in kindergarten if kindergarten is
4 offered by the school. Comprehensive sex education in
5 kindergarten through 2nd grade shall include age and
6 developmentally appropriate instruction on the following
7 topics:

8 (A) Human anatomy.

9 (B) Gender roles.

10 (C) Varying family structures.

11 (D) Healthy relationships, including friendships.

12 (E) Personal bodily autonomy.

13 (F) How to promote personal safety, including
14 reliance on and communication with parents and trusted
15 adults.

16 (G) Bullying.

17 (7) Beginning no later than July 1, 2022, the State
18 Board of Education shall post on its website comprehensive
19 sex education resources that are inclusive, medically
20 accurate and complete, age and developmentally
21 appropriate, and culturally appropriate for use in
22 pre-kindergarten through the 12th grade. Any comprehensive
23 sex education offered to pre-kindergarten students shall
24 be age and developmentally appropriate.

25 (d) Parental requests and notice are as follows:

26 (1) It is the intent of the General Assembly to:

1 (A) encourage pupils to communicate with their
2 parents or guardians about human sexuality and health
3 needs and to respect the rights of parents and
4 guardians to supervise their children's education on
5 these subjects;

6 (B) create a streamlined process to make it easier
7 for parents and guardians to review materials and
8 evaluation tools related to comprehensive sexual
9 health education; and

10 (C) recognize that although parents and guardians
11 overwhelmingly support medically accurate and
12 complete, age and developmentally appropriate, and
13 culturally appropriate comprehensive sex education,
14 parents and guardians have the ultimate responsibility
15 for imparting values regarding human sexuality to
16 their children.

17 (2) A parent or guardian of a student has the right to
18 excuse his or her child from all or part of comprehensive
19 sex education and assessments related to that education
20 through a passive consent process. A school district may
21 not require active parental consent for comprehensive sex
22 education.

23 (3) A school district shall post information on its
24 Internet website about any curricula used to provide
25 comprehensive sex education, including:

26 (A) whether the instruction was provided by a

1 teacher in the school, an outside organization, or a
2 guest lecturer or resource person;

3 (B) the number of students who received the
4 instruction;

5 (C) the number of students excused from
6 instruction pursuant to this subsection; and

7 (D) the duration of instruction.

8 If any instruction is provided by an outside
9 organization or guest lecturer or resource person, the
10 school district shall specify the name of the outside
11 organization or the guest lecturer or resource person and
12 identify any organizations with which the guest lecturer or
13 resource person may be affiliated. If an Internet website
14 is not available, the information must be provided in
15 another format to school administrators, school board
16 members, school personnel, parents, guardians, students,
17 and the public.

18 (4) At the beginning of each school year, or, at the
19 time of a student's enrollment, a school district shall
20 notify the parent or guardian of each student about
21 instruction planned for the coming year about
22 comprehensive sex education and research on student
23 health, behaviors, and risks. The notice shall do all of
24 the following:

25 (A) Advise the parent or guardian that written and
26 audiovisual educational materials used in

1 comprehensive sex education are available for
2 inspection both to the parent or guardian and to the
3 public.

4 (B) Advise the parent or guardian whether the
5 comprehensive sex education will be taught by school
6 district personnel or by an outside organization or
7 guest speaker. If comprehensive sex education is to be
8 taught by an outside organization or guest speaker, the
9 notice shall include the date of the instruction, the
10 name of the organization or affiliation of each guest
11 speaker, and information stating the right of the
12 parent or guardian to request a copy of the educational
13 materials to be used. If arrangements for this
14 instruction are made after the beginning of the school
15 year, the notice shall be made by mail or another
16 commonly used method of notification no fewer than 14
17 days before the instruction is delivered.

18 (C) Include information explaining the parent's or
19 guardian's right to request a copy of this Section.

20 (D) Advise the parent or guardian that the parent
21 or guardian has the right to excuse the student from
22 comprehensive sex education and that, in order to
23 excuse the student, the parent or guardian must submit
24 his or her request in writing to the school district.

25 (E) State that a student will not be subject to
26 disciplinary action, an academic penalty, or any other

1 sanction if the student's parent or guardian requests
2 the student not receive the instruction provided under
3 this Section. If a student's parent or guardian
4 requests that the student not receive the instruction
5 provided under this Section, the school is encouraged
6 to provide alternative assignments on a related topic.

7 (e) The State Board shall adopt rules to implement,
8 administer, and ensure compliance with this Section.

9 The State Board shall develop, maintain, and make publicly
10 available State standards and the current list of curricula
11 that are consistent with this Section.

12 The State Board shall require minimum education and
13 training qualifications for comprehensive sex education
14 instructors.

15 A school district must abide by this Section. All guest
16 lecturers and resource people shall have expertise in
17 comprehensive sex education consistent with this Section.

18 (f) The State Board shall convene a REACH implementation
19 committee to support school districts with implementation of
20 the mandate for comprehensive sex education as follows:

21 (1) The committee must be created and operational
22 within 60 days after the effective date of this amendatory
23 Act of the 101st General Assembly.

24 (2) The committee shall work with the State Board to:

25 (A) seek input from school districts about
26 implementation;

1 (B) develop and disseminate guidance for school
2 districts;

3 (C) identify existing resources and curricula; and

4 (D) identify opportunities for professional
5 development for educators and school administrators.

6 (3) The committee may form subcommittees to guide and
7 organize its work.

8 (4) The State Board shall support the committee with
9 staff and resources.

10 (5) The State Superintendent of Education shall
11 appoint the members of the committee.

12 (6) Members of the committee are not entitled to
13 compensation for their service as members.

14 (7) At a minimum, the committee shall include:

15 (A) the State Superintendent or his or her
16 designee;

17 (B) a parent representative;

18 (C) a youth representative;

19 (D) a representative of kindergarten through grade
20 12 educators, with emphasis on sex education
21 educators;

22 (E) a representative of school-based health
23 centers or a school nurse;

24 (F) a representative of mental health providers;

25 (G) a representative of school social workers;

26 (H) a representative of a statewide coalition for

1 survivors of sexual violence;

2 (I) a representative of a statewide coalition for
3 survivors of domestic violence;

4 (J) a representative of an organization serving
5 the needs of youth of color;

6 (K) a representative of an organization serving
7 the needs of immigrants;

8 (L) a representative of an organization serving
9 the needs of lesbian, gay, bisexual, transgender,
10 asexual, and queer youth;

11 (M) a representative from an interfaith
12 organization;

13 (N) a representative of an organization serving
14 the needs of intersex individuals; and

15 (O) a representative of an organization serving
16 the needs of students with disabilities.

17 (8) The committee shall be dissolved on January 1,
18 2025.

19 (g) The State Board may adopt rules setting forth a
20 complaint procedure to enforce this Section.

21 The State Board shall establish a web portal to accept
22 complaints from the public that a school district is not
23 adhering to the requirements of this Section. A final
24 determination of a complaint by the State Board shall be
25 appealable to an Illinois circuit court.

26 (h) Pursuant to Section 2-3.25g, a school district may seek

1 a waiver or modification of a mandate for comprehensive sex
2 education required under this Section. If the waiver or
3 modification of a mandate is sought for comprehensive sex
4 education in the 6th through 12th grades for the 2021-2022
5 school year, the State Board shall automatically grant a
6 one-year waiver of the mandate until the 2022-2023 school year.
7 If the waiver or modification of a mandate is sought for
8 comprehensive sex education during kindergarten through 5th
9 grades for the 2022-2023 school year, the State Board shall
10 automatically grant a one-year waiver of the mandate until the
11 2023-2024 school year.

12 (i) There is created by the State Board the REACH Grant
13 Program as follows:

14 (1) The purpose of the REACH Grant Program is to
15 provide money to school districts and charter schools for
16 use in the creation and implementation of comprehensive sex
17 education pursuant to this Section.

18 (2) Upon receipt of federal money or other
19 appropriations or sources of funding, the State Board shall
20 notify school districts and charter schools throughout
21 this State of grants available through the REACH Grant
22 Program.

23 (3) The State Board shall award grants to school
24 districts and charter schools for a period of one year,
25 with the opportunity to seek a one-year extension.

26 (4) Money distributed to school districts and charter

1 schools through the REACH Grant Program must be used only
2 for the provision of comprehensive sex education
3 instruction that complies with this Section.

4 (5) On or before July 1, 2022 and every year thereafter
5 in which grants have been awarded, the State Board shall
6 submit a report concerning the outcomes of the REACH Grant
7 Program to the General Assembly. The report must include,
8 at a minimum:

9 (A) the school districts and charter schools that
10 received a grant under the program;

11 (B) the number of students taught and the
12 instruction utilized;

13 (C) the amount of each grant awarded;

14 (D) the average amount of all grants awarded; and

15 (E) an analysis by the State Board of the impact of
16 funding.

17 (6) Nothing in this subsection prohibits a school
18 district or charter school from applying for and receiving
19 grants through the REACH Grant Program and from applying
20 for and receiving grants or other funding through other
21 sources. A school district or charter school may apply for
22 and receive grants and funding for comprehensive sex
23 education from multiple sources.

24 (7) The State Board shall adopt any rules it deems
25 necessary for the administration of this subsection.

1 (105 ILCS 5/27A-5)

2 (Text of Section before amendment by P.A. 101-50)

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

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

9 (b) A charter school may be established under this Article
10 by creating a new school or by converting an existing public
11 school or attendance center to charter school status. Beginning
12 on April 16, 2003 (the effective date of Public Act 93-3), in
13 all new applications to establish a charter school in a city
14 having a population exceeding 500,000, operation of the charter
15 school shall be limited to one campus. The changes made to this
16 Section by Public Act 93-3 do not apply to charter schools
17 existing or approved on or before April 16, 2003 (the effective
18 date of Public Act 93-3).

19 (b-5) In this subsection (b-5), "virtual-schooling" means
20 a cyber school where students engage in online curriculum and
21 instruction via the Internet and electronic communication with
22 their teachers at remote locations and with students
23 participating at different times.

24 From April 1, 2013 through December 31, 2016, there is a
25 moratorium on the establishment of charter schools with
26 virtual-schooling components in school districts other than a

1 school district organized under Article 34 of this Code. This
2 moratorium does not apply to a charter school with
3 virtual-schooling components existing or approved prior to
4 April 1, 2013 or to the renewal of the charter of a charter
5 school with virtual-schooling components already approved
6 prior to April 1, 2013.

7 (c) A charter school shall be administered and governed by
8 its board of directors or other governing body in the manner
9 provided in its charter. The governing body of a charter school
10 shall be subject to the Freedom of Information Act and the Open
11 Meetings Act. No later than January 1, 2021 (one year after the
12 effective date of Public Act 101-291) ~~this amendatory Act of~~
13 ~~the 101st General Assembly~~, a charter school's board of
14 directors or other governing body must include at least one
15 parent or guardian of a pupil currently enrolled in the charter
16 school who may be selected through the charter school or a
17 charter network election, appointment by the charter school's
18 board of directors or other governing body, or by the charter
19 school's Parent Teacher Organization or its equivalent.

20 (c-5) No later than January 1, 2021 (one year after the
21 effective date of Public Act 101-291) ~~this amendatory Act of~~
22 ~~the 101st General Assembly~~ or within the first year of his or
23 her first term, every voting member of a charter school's board
24 of directors or other governing body shall complete a minimum
25 of 4 hours of professional development leadership training to
26 ensure that each member has sufficient familiarity with the

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

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

26 A charter school shall comply with all non-curricular

1 health and safety requirements applicable to public schools
2 under the laws of the State of Illinois. On or before September
3 1, 2015, the State Board shall promulgate and post on its
4 Internet website a list of non-curricular health and safety
5 requirements that a charter school must meet. The list shall be
6 updated annually no later than September 1. Any charter
7 contract between a charter school and its authorizer must
8 contain a provision that requires the charter school to follow
9 the list of all non-curricular health and safety requirements
10 promulgated by the State Board and any non-curricular health
11 and safety requirements added by the State Board to such list
12 during the term of the charter. Nothing in this subsection (d)
13 precludes an authorizer from including non-curricular health
14 and safety requirements in a charter school contract that are
15 not contained in the list promulgated by the State Board,
16 including non-curricular health and safety requirements of the
17 authorizing local school board.

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

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

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

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

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

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

25 (3) the Local Governmental and Governmental Employees
26 Tort Immunity Act;

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

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

5 (5.5) subsection (b) of Section 10-23.12 and
6 subsection (b) of Section 34-18.6 of this Code;

7 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

18 (14) Section 26-18 of this Code;

19 (15) Section 22-30 of this Code; ~~and~~

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

21 (17) Section 10-23.13 of this Code; and

22 (18) Section 27-9.1a of this Code.

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

25 (h) A charter school may negotiate and contract with a
26 school district, the governing body of a State college or

1 university or public community college, or any other public or
2 for-profit or nonprofit private entity for: (i) the use of a
3 school building and grounds or any other real property or
4 facilities that the charter school desires to use or convert
5 for use as a charter school site, (ii) the operation and
6 maintenance thereof, and (iii) the provision of any service,
7 activity, or undertaking that the charter school is required to
8 perform in order to carry out the terms of its charter.
9 However, a charter school that is established on or after April
10 16, 2003 (the effective date of Public Act 93-3) and that
11 operates in a city having a population exceeding 500,000 may
12 not contract with a for-profit entity to manage or operate the
13 school during the period that commences on April 16, 2003 (the
14 effective date of Public Act 93-3) and concludes at the end of
15 the 2004-2005 school year. Except as provided in subsection (i)
16 of this Section, a school district may charge a charter school
17 reasonable rent for the use of the district's buildings,
18 grounds, and facilities. Any services for which a charter
19 school contracts with a school district shall be provided by
20 the district at cost. Any services for which a charter school
21 contracts with a local school board or with the governing body
22 of a State college or university or public community college
23 shall be provided by 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 subject
5 to negotiation between the charter school and the local school
6 board and shall be set forth in the charter.

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

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

12 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
13 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
14 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-81,
15 eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19;
16 101-543, eff. 8-23-19; revised 9-19-19.)

17 (Text of Section after amendment by P.A. 101-50)

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

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

24 (b) A charter school may be established under this Article
25 by creating a new school or by converting an existing public

1 school or attendance center to charter school status. Beginning
2 on April 16, 2003 (the effective date of Public Act 93-3), in
3 all new applications to establish a charter school in a city
4 having a population exceeding 500,000, operation of the charter
5 school shall be limited to one campus. The changes made to this
6 Section by Public Act 93-3 do not apply to charter schools
7 existing or approved on or before April 16, 2003 (the effective
8 date of Public Act 93-3).

9 (b-5) In this subsection (b-5), "virtual-schooling" means
10 a cyber school where students engage in online curriculum and
11 instruction via the Internet and electronic communication with
12 their teachers at remote locations and with students
13 participating at different times.

14 From April 1, 2013 through December 31, 2016, there is a
15 moratorium on the establishment of charter schools with
16 virtual-schooling components in school districts other than a
17 school district organized under Article 34 of this Code. This
18 moratorium does not apply to a charter school with
19 virtual-schooling components existing or approved prior to
20 April 1, 2013 or to the renewal of the charter of a charter
21 school with virtual-schooling components already approved
22 prior to April 1, 2013.

23 (c) A charter school shall be administered and governed by
24 its board of directors or other governing body in the manner
25 provided in its charter. The governing body of a charter school
26 shall be subject to the Freedom of Information Act and the Open

1 Meetings Act. No later than January 1, 2021 (one year after the
2 effective date of Public Act 101-291) ~~this amendatory Act of~~
3 ~~the 101st General Assembly~~, a charter school's board of
4 directors or other governing body must include at least one
5 parent or guardian of a pupil currently enrolled in the charter
6 school who may be selected through the charter school or a
7 charter network election, appointment by the charter school's
8 board of directors or other governing body, or by the charter
9 school's Parent Teacher Organization or its equivalent.

10 (c-5) No later than January 1, 2021 (one year after the
11 effective date of Public Act 101-291) ~~this amendatory Act of~~
12 ~~the 101st General Assembly~~ or within the first year of his or
13 her first term, every voting member of a charter school's board
14 of directors or other governing body shall complete a minimum
15 of 4 hours of professional development leadership training to
16 ensure that each member has sufficient familiarity with the
17 board's or governing body's role and responsibilities,
18 including financial oversight and accountability of the
19 school, evaluating the principal's and school's performance,
20 adherence to the Freedom of Information Act and the Open
21 Meetings ~~Act Acts~~, and compliance with education and labor law.
22 In each subsequent year of his or her term, a voting member of
23 a charter school's board of directors or other governing body
24 shall complete a minimum of 2 hours of professional development
25 training in these same areas. The training under this
26 subsection may be provided or certified by a statewide charter

1 school membership association or may be provided or certified
2 by other qualified providers approved by the State Board of
3 Education.

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

16 A charter school shall comply with all non-curricular
17 health and safety requirements applicable to public schools
18 under the laws of the State of Illinois. On or before September
19 1, 2015, the State Board shall promulgate and post on its
20 Internet website a list of non-curricular health and safety
21 requirements that a charter school must meet. The list shall be
22 updated annually no later than September 1. Any charter
23 contract between a charter school and its authorizer must
24 contain a provision that requires the charter school to follow
25 the list of all non-curricular health and safety requirements
26 promulgated by the State Board and any non-curricular health

1 and safety requirements added by the State Board to such list
2 during the term of the charter. Nothing in this subsection (d)
3 precludes an authorizer from including non-curricular health
4 and safety requirements in a charter school contract that are
5 not contained in the list promulgated by the State Board,
6 including non-curricular health and safety requirements of the
7 authorizing local school board.

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

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

26 (g) A charter school shall comply with all provisions of

1 this Article, the Illinois Educational Labor Relations Act, all
2 federal and State laws and rules applicable to public schools
3 that pertain to special education and the instruction of
4 English learners, and its charter. A charter school is exempt
5 from all other State laws and regulations in this Code
6 governing public schools and local school board policies;
7 however, a charter school is not exempt from the following:

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

13 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
14 34-84a of this Code regarding discipline of students;

15 (3) the Local Governmental and Governmental Employees
16 Tort Immunity Act;

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

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

21 (5.5) subsection (b) of Section 10-23.12 and
22 subsection (b) of Section 34-18.6 of this Code;

23 (6) the Illinois School Student Records Act;

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

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

1 (9) Section 27-23.7 of this Code regarding bullying
2 prevention;

3 (10) Section 2-3.162 of this Code regarding student
4 discipline reporting;

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

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

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

8 (14) Section 26-18 of this Code;

9 (15) Section 22-30 of this Code; ~~and~~

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

11 (17) ~~(16)~~ The Seizure Smart School Act; ~~and~~

12 (18) Section 10-23.13 of this Code; and

13 (19) Section 27-9.1a of this Code.

14 The change made by Public Act 96-104 to this subsection (g)
15 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 to
25 perform in order to carry out the terms of its charter.
26 However, a charter school that is established on or after April

1 16, 2003 (the effective date of Public Act 93-3) and that
2 operates in a city having a population exceeding 500,000 may
3 not contract with a for-profit entity to manage or operate the
4 school during the period that commences on April 16, 2003 (the
5 effective date of Public Act 93-3) and concludes at the end of
6 the 2004-2005 school year. Except as provided in subsection (i)
7 of this Section, a school district may charge a charter school
8 reasonable rent for the use of the district's buildings,
9 grounds, and facilities. Any services for which a charter
10 school contracts with a school district shall be provided by
11 the district at cost. Any services for which a charter school
12 contracts with a local school board or with the governing body
13 of a State college or university or public community college
14 shall be provided by the public entity at cost.

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

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

26 (k) If the charter school is approved by the State Board or

1 Commission, then the charter school is its own local education
2 agency.

3 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
4 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
5 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
6 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
7 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised
8 9-19-19.)

9 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

10 Sec. 34-18.8. HIV ~~AIDS~~ training. School guidance
11 counselors, nurses, teachers and other school personnel who
12 work with pupils shall ~~may~~ be trained to have a basic knowledge
13 of matters relating to human immunodeficiency virus (HIV)
14 ~~acquired immunodeficiency syndrome (AIDS)~~, including the
15 nature of the infection ~~disease~~, its causes and effects, the
16 means of detecting it and preventing its transmission, the
17 availability of appropriate sources of counseling and
18 referral, and any other medically accurate information that is
19 age and developmentally appropriate for ~~may be appropriate~~
20 ~~considering the age and grade level of~~ such pupils. The Board
21 of Education shall supervise such training. The State Board of
22 Education and the Department of Public Health shall jointly
23 develop standards for such training.

24 (Source: P.A. 86-900.)

1 (105 ILCS 5/27-9.1 rep.)

2 (105 ILCS 5/27-9.2 rep.)

3 (105 ILCS 5/27-11 rep.)

4 Section 10. The School Code is amended by repealing
5 Sections 27-9.1, 27-9.2, and 27-11.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".