

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 changing Sections
5 24-24, 27A-5, and 34-84a and by adding Section 22-100 as
6 follows:

7 (105 ILCS 5/22-100 new)

8 Sec. 22-100. Prohibition on physical discipline in
9 schools.

10 (a) In this Section:

11 "Corporal punishment" means a discipline method in which a
12 person deliberately inflicts pain upon a student in response
13 to the student's unacceptable behavior or inappropriate
14 language, with an aim to halt an offense, prevent its
15 recurrence, or set an example for others. "Corporal
16 punishment" does not include the use of physical restraint
17 under Sections 10-20.33 and 34-18.20.

18 "School personnel" means any person who is employed by,
19 who is on contract with, or who volunteers in a school
20 district, charter school, or nonpublic elementary or secondary
21 school, including, but not limited to, school and school
22 district administrators, teachers, school social workers,
23 school counselors, school psychologists, school nurses,

1 paraprofessionals, speech-language pathologists, cafeteria
2 workers, custodians, bus drivers, school resource officers, or
3 security guards.

4 (b) School personnel of any school district, charter
5 school, or nonpublic elementary or secondary school may not
6 engage in corporal punishment of a student, inflict corporal
7 punishment upon a student, or cause corporal punishment to be
8 inflicted upon a student.

9 (105 ILCS 5/24-24) (from Ch. 122, par. 24-24)

10 Sec. 24-24. Maintenance of discipline. Subject to the
11 limitations of all policies established or adopted under
12 Section 14-8.05, teachers, other licensed ~~certificated~~
13 educational employees, and any other person, whether or not a
14 licensed ~~certificated~~ employee, providing a related service
15 for or with respect to a student shall maintain discipline in
16 the schools, including school grounds which are owned or
17 leased by the board and used for school purposes and
18 activities. In all matters relating to the discipline in and
19 conduct of the schools and the school children, they stand in
20 the relation of parents and guardians to the pupils. This
21 relationship shall extend to all activities connected with the
22 school program, including all athletic and extracurricular
23 programs, and may be exercised at any time for the safety and
24 supervision of the pupils in the absence of their parents or
25 guardians.

1 Nothing in this Section affects the power of the board to
2 establish rules with respect to discipline; except that each
3 board shall establish a policy on discipline, and the policy
4 so established shall provide, subject to the limitations of
5 all policies established or adopted under Section 14-8.05,
6 that a teacher, any other licensed ~~certificated~~ employee, and
7 any other person, whether or not a licensed ~~certificated~~
8 employee, providing a related service for or with respect to a
9 student may only use reasonable force as permitted under
10 Sections 10-20.33 and 34-18.20 ~~needed to maintain safety for~~
11 ~~the other students, school personnel or persons or for the~~
12 ~~purpose of self defense or the defense of property,~~ shall
13 provide that a teacher may remove a student from the classroom
14 for disruptive behavior, and shall include provisions which
15 provide due process to students. The policy shall prohibit the
16 use of corporal punishment, as defined in Section 22-100, in
17 all circumstances ~~not include slapping, paddling or prolonged~~
18 ~~maintenance of students in physically painful positions nor~~
19 ~~shall it include the intentional infliction of bodily harm.~~

20 The board may make and enforce reasonable rules of conduct
21 and sportsmanship for athletic and extracurricular school
22 events. Any person who violates such rules may be denied
23 admission to school events for not more than one year,
24 provided that written 10 days notice of the violation is given
25 such person and a hearing had thereon by the board pursuant to
26 its rules and regulations. The administration of any school

1 may sign complaints as agents of the school against persons
2 committing any offense at school events.

3 (Source: P.A. 88-346; 88-670, eff. 12-2-94; 89-184, eff.
4 7-19-95.)

5 (105 ILCS 5/27A-5)

6 (Text of Section before amendment by P.A. 102-466 and
7 103-472)

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

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

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

22 (b-5) (Blank).

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

1 school shall be subject to the Freedom of Information Act and
2 the Open Meetings Act. A charter school's board of directors
3 or other governing body must include at least one parent or
4 guardian of a pupil currently enrolled in the charter school
5 who may be selected through the charter school or a charter
6 network election, appointment by the charter school's board of
7 directors or other governing body, or by the charter school's
8 Parent Teacher Organization or its equivalent.

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

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

13 A charter school shall comply with all non-curricular
14 health and safety requirements applicable to public schools
15 under the laws of the State of Illinois. The State Board shall
16 promulgate and post on its Internet website a list of
17 non-curricular health and safety requirements that a charter
18 school must meet. The list shall be updated annually no later
19 than September 1. Any charter contract between a charter
20 school and its authorizer must contain a provision that
21 requires the charter school to follow the list of all
22 non-curricular health and safety requirements promulgated by
23 the State Board and any non-curricular health and safety
24 requirements added by the State Board to such list during the
25 term of the charter. Nothing in this subsection (d) precludes
26 an authorizer from including non-curricular health and safety

1 requirements in a charter school contract that are not
2 contained in the list promulgated by the State Board,
3 including non-curricular health and safety requirements of the
4 authorizing local school board.

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

9 (f) A charter school shall be responsible for the
10 management and operation of its fiscal affairs, including, but
11 not limited to, the preparation of its budget. An audit of each
12 charter school's finances shall be conducted annually by an
13 outside, independent contractor retained by the charter
14 school. The contractor shall not be an employee of the charter
15 school or affiliated with the charter school or its authorizer
16 in any way, other than to audit the charter school's finances.
17 To ensure financial accountability for the use of public
18 funds, on or before December 1 of every year of operation, each
19 charter school shall submit to its authorizer and the State
20 Board a copy of its audit and a copy of the Form 990 the
21 charter school filed that year with the federal Internal
22 Revenue Service. In addition, if deemed necessary for proper
23 financial oversight of the charter school, an authorizer may
24 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,
2 all federal and State laws and rules applicable to public
3 schools that pertain to special education and the instruction
4 of English learners, and its charter. A charter school is
5 exempt 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
9 regarding criminal history records checks and checks of
10 the Statewide Sex Offender Database and Statewide Murderer
11 and Violent Offender Against Youth Database of applicants
12 for employment;

13 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
14 and 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
25 report 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) Sections 22-90 and 26-18 of this Code;

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

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

11 (17) the Seizure Smart School Act;

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

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

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

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

16 (22) Section 27-9.1b of this Code;

17 (23) Section 34-18.8 of this Code;

18 (25) Section 2-3.188 of this Code;

19 (26) Section 22-85.5 of this Code;

20 (27) subsections (d-10), (d-15), and (d-20) of Section
21 10-20.56 of this Code;

22 (28) Sections 10-20.83 and 34-18.78 of this Code;

23 (29) Section 10-20.13 of this Code;

24 (30) Section 28-19.2 of this Code;

25 (31) Section 34-21.6 of this Code; and

26 (32) Section 22-85.10 of this Code.

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

3 (h) A charter school may negotiate and contract with a
4 school district, the governing body of a State college or
5 university or public community college, or any other public or
6 for-profit or nonprofit private entity for: (i) the use of a
7 school building and grounds or any other real property or
8 facilities that the charter school desires to use or convert
9 for use as a charter school site, (ii) the operation and
10 maintenance thereof, and (iii) the provision of any service,
11 activity, or undertaking that the charter school is required
12 to perform in order to carry out the terms of its charter.
13 Except as provided in subsection (i) of this Section, a school
14 district may charge a charter school reasonable rent for the
15 use of the district's buildings, grounds, and facilities. Any
16 services for which a charter school contracts with a school
17 district shall be provided by the district at cost. Any
18 services for which a charter school contracts with a local
19 school board or with the governing body of a State college or
20 university or public community college shall be provided by
21 the public entity at cost.

22 (i) In no event shall a charter school that is established
23 by converting an existing school or attendance center to
24 charter school status be required to pay rent for space that is
25 deemed available, as negotiated and provided in the charter
26 agreement, in school district facilities. However, all other

1 costs for the operation and maintenance of school district
2 facilities that are used by the charter school shall be
3 subject to negotiation between the charter school and the
4 local school board and shall be set forth in the charter.

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

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

10 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
11 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
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14 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
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15 who may be selected through the charter school or a charter
16 network election, appointment by the charter school's board of
17 directors or other governing body, or by the charter school's
18 Parent Teacher Organization or its equivalent.

19 (c-5) No later than January 1, 2021 or within the first
20 year of his or her first term, every voting member of a charter
21 school's board of directors or other governing body shall
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23 leadership training to ensure that each member has sufficient
24 familiarity with the board's or governing body's role and
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1 school's performance, adherence to the Freedom of Information
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- 9 (31) Section 34-21.6 of this Code; ~~and~~
- 10 (32) Section 22-85.10 of this Code;
- 11 (33) Section 2-3.196 of this Code;
- 12 (34) Section 22-95 of this Code;
- 13 (35) Section 34-18.62 of this Code; and
- 14 (36) the Illinois Human Rights Act.

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

17 (h) A charter school may negotiate and contract with a
18 school district, the governing body of a State college or
19 university or public community college, or any other public or
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21 school building and grounds or any other real property or
22 facilities that the charter school desires to use or convert
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23 (g) A charter school shall comply with all provisions of
24 this Article, the Illinois Educational Labor Relations Act,
25 all federal and State laws and rules applicable to public
26 schools that pertain to special education and the instruction

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

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

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

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

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

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

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

20 (6) the Illinois School Student Records Act;

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

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

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

26 (10) Section 2-3.162 of this Code regarding student

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

1 (35) Section 34-18.62 of this Code; and

2 (36) the Illinois Human Rights 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; 102-466, eff.
14 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
15 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
16 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
17 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised
18 8-31-23.)

19 (105 ILCS 5/34-84a) (from Ch. 122, par. 34-84a)

20 Sec. 34-84a. Maintenance of discipline. Subject to the
21 limitations of all policies established or adopted under
22 Section 14-8.05, teachers, other licensed ~~certificated~~
23 educational employees, and any other person, whether or not a
24 licensed ~~certificated~~ employee, providing a related service
25 for or with respect to a student shall maintain discipline in

1 the schools, including school grounds which are owned or
2 leased by the board and used for school purposes and
3 activities. In all matters relating to the discipline in and
4 conduct of the schools and the school children, they stand in
5 the relation of parents and guardians to the pupils. This
6 relationship shall extend to all activities connected with the
7 school program, including all athletic and extracurricular
8 programs, and may be exercised at any time for the safety and
9 supervision of the pupils in the absence of their parents or
10 guardians.

11 Nothing in this Section affects the power of the board to
12 establish rules with respect to discipline, except that the
13 rules of the board must provide, subject to the limitations of
14 all policies established or adopted under Section 14-8.05,
15 that a teacher, any other licensed ~~certificated~~ employee, and
16 any other person, whether or not a licensed ~~certificated~~
17 employee, providing a related service for or with respect to a
18 student may only use reasonable force as permitted under
19 Section 34-18.20 ~~needed to maintain safety for the other~~
20 ~~students~~, shall provide that a teacher may remove a student
21 from the classroom for disruptive behavior, and must include
22 provisions which provide due process to students. The policy
23 shall prohibit the use of corporal punishment, as defined in
24 Section 22-100, in all circumstances.

25 (Source: P.A. 89-184, eff. 7-19-95.)

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