

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. This Act may be referred to as the Racism-Free  
5 Schools Law.

6 Section 5. The Freedom of Information Act is amended by  
7 changing Section 7.5 as follows:

8 (5 ILCS 140/7.5)

9 Sec. 7.5. Statutory exemptions. To the extent provided for  
10 by the statutes referenced below, the following shall be  
11 exempt from inspection and copying:

12 (a) All information determined to be confidential  
13 under Section 4002 of the Technology Advancement and  
14 Development Act.

15 (b) Library circulation and order records identifying  
16 library users with specific materials under the Library  
17 Records Confidentiality Act.

18 (c) Applications, related documents, and medical  
19 records received by the Experimental Organ Transplantation  
20 Procedures Board and any and all documents or other  
21 records prepared by the Experimental Organ Transplantation  
22 Procedures Board or its staff relating to applications it

1 has received.

2 (d) Information and records held by the Department of  
3 Public Health and its authorized representatives relating  
4 to known or suspected cases of sexually transmissible  
5 disease or any information the disclosure of which is  
6 restricted under the Illinois Sexually Transmissible  
7 Disease Control Act.

8 (e) Information the disclosure of which is exempted  
9 under Section 30 of the Radon Industry Licensing Act.

10 (f) Firm performance evaluations under Section 55 of  
11 the Architectural, Engineering, and Land Surveying  
12 Qualifications Based Selection Act.

13 (g) Information the disclosure of which is restricted  
14 and exempted under Section 50 of the Illinois Prepaid  
15 Tuition Act.

16 (h) Information the disclosure of which is exempted  
17 under the State Officials and Employees Ethics Act, and  
18 records of any lawfully created State or local inspector  
19 general's office that would be exempt if created or  
20 obtained by an Executive Inspector General's office under  
21 that Act.

22 (i) Information contained in a local emergency energy  
23 plan submitted to a municipality in accordance with a  
24 local emergency energy plan ordinance that is adopted  
25 under Section 11-21.5-5 of the Illinois Municipal Code.

26 (j) Information and data concerning the distribution

1 of surcharge moneys collected and remitted by carriers  
2 under the Emergency Telephone System Act.

3 (k) Law enforcement officer identification information  
4 or driver identification information compiled by a law  
5 enforcement agency or the Department of Transportation  
6 under Section 11-212 of the Illinois Vehicle Code.

7 (l) Records and information provided to a residential  
8 health care facility resident sexual assault and death  
9 review team or the Executive Council under the Abuse  
10 Prevention Review Team Act.

11 (m) Information provided to the predatory lending  
12 database created pursuant to Article 3 of the Residential  
13 Real Property Disclosure Act, except to the extent  
14 authorized under that Article.

15 (n) Defense budgets and petitions for certification of  
16 compensation and expenses for court appointed trial  
17 counsel as provided under Sections 10 and 15 of the  
18 Capital Crimes Litigation Act. This subsection (n) shall  
19 apply until the conclusion of the trial of the case, even  
20 if the prosecution chooses not to pursue the death penalty  
21 prior to trial or sentencing.

22 (o) Information that is prohibited from being  
23 disclosed under Section 4 of the Illinois Health and  
24 Hazardous Substances Registry Act.

25 (p) Security portions of system safety program plans,  
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the  
2 Department of Transportation under Sections 2705-300 and  
3 2705-616 of the Department of Transportation Law of the  
4 Civil Administrative Code of Illinois, the Regional  
5 Transportation Authority under Section 2.11 of the  
6 Regional Transportation Authority Act, or the St. Clair  
7 County Transit District under the Bi-State Transit Safety  
8 Act.

9 (q) Information prohibited from being disclosed by the  
10 Personnel Record Review Act.

11 (r) Information prohibited from being disclosed by the  
12 Illinois School Student Records Act.

13 (s) Information the disclosure of which is restricted  
14 under Section 5-108 of the Public Utilities Act.

15 (t) All identified or deidentified health information  
16 in the form of health data or medical records contained  
17 in, stored in, submitted to, transferred by, or released  
18 from the Illinois Health Information Exchange, and  
19 identified or deidentified health information in the form  
20 of health data and medical records of the Illinois Health  
21 Information Exchange in the possession of the Illinois  
22 Health Information Exchange Office due to its  
23 administration of the Illinois Health Information  
24 Exchange. The terms "identified" and "deidentified" shall  
25 be given the same meaning as in the Health Insurance  
26 Portability and Accountability Act of 1996, Public Law

1 104-191, or any subsequent amendments thereto, and any  
2 regulations promulgated thereunder.

3 (u) Records and information provided to an independent  
4 team of experts under the Developmental Disability and  
5 Mental Health Safety Act (also known as Brian's Law).

6 (v) Names and information of people who have applied  
7 for or received Firearm Owner's Identification Cards under  
8 the Firearm Owners Identification Card Act or applied for  
9 or received a concealed carry license under the Firearm  
10 Concealed Carry Act, unless otherwise authorized by the  
11 Firearm Concealed Carry Act; and databases under the  
12 Firearm Concealed Carry Act, records of the Concealed  
13 Carry Licensing Review Board under the Firearm Concealed  
14 Carry Act, and law enforcement agency objections under the  
15 Firearm Concealed Carry Act.

16 (v-5) Records of the Firearm Owner's Identification  
17 Card Review Board that are exempted from disclosure under  
18 Section 10 of the Firearm Owners Identification Card Act.

19 (w) Personally identifiable information which is  
20 exempted from disclosure under subsection (g) of Section  
21 19.1 of the Toll Highway Act.

22 (x) Information which is exempted from disclosure  
23 under Section 5-1014.3 of the Counties Code or Section  
24 8-11-21 of the Illinois Municipal Code.

25 (y) Confidential information under the Adult  
26 Protective Services Act and its predecessor enabling

1 statute, the Elder Abuse and Neglect Act, including  
2 information about the identity and administrative finding  
3 against any caregiver of a verified and substantiated  
4 decision of abuse, neglect, or financial exploitation of  
5 an eligible adult maintained in the Registry established  
6 under Section 7.5 of the Adult Protective Services Act.

7 (z) Records and information provided to a fatality  
8 review team or the Illinois Fatality Review Team Advisory  
9 Council under Section 15 of the Adult Protective Services  
10 Act.

11 (aa) Information which is exempted from disclosure  
12 under Section 2.37 of the Wildlife Code.

13 (bb) Information which is or was prohibited from  
14 disclosure by the Juvenile Court Act of 1987.

15 (cc) Recordings made under the Law Enforcement  
16 Officer-Worn Body Camera Act, except to the extent  
17 authorized under that Act.

18 (dd) Information that is prohibited from being  
19 disclosed under Section 45 of the Condominium and Common  
20 Interest Community Ombudsperson Act.

21 (ee) Information that is exempted from disclosure  
22 under Section 30.1 of the Pharmacy Practice Act.

23 (ff) Information that is exempted from disclosure  
24 under the Revised Uniform Unclaimed Property Act.

25 (gg) Information that is prohibited from being  
26 disclosed under Section 7-603.5 of the Illinois Vehicle

1 Code.

2 (hh) Records that are exempt from disclosure under  
3 Section 1A-16.7 of the Election Code.

4 (ii) Information which is exempted from disclosure  
5 under Section 2505-800 of the Department of Revenue Law of  
6 the Civil Administrative Code of Illinois.

7 (jj) Information and reports that are required to be  
8 submitted to the Department of Labor by registering day  
9 and temporary labor service agencies but are exempt from  
10 disclosure under subsection (a-1) of Section 45 of the Day  
11 and Temporary Labor Services Act.

12 (kk) Information prohibited from disclosure under the  
13 Seizure and Forfeiture Reporting Act.

14 (ll) Information the disclosure of which is restricted  
15 and exempted under Section 5-30.8 of the Illinois Public  
16 Aid Code.

17 (mm) Records that are exempt from disclosure under  
18 Section 4.2 of the Crime Victims Compensation Act.

19 (nn) Information that is exempt from disclosure under  
20 Section 70 of the Higher Education Student Assistance Act.

21 (oo) Communications, notes, records, and reports  
22 arising out of a peer support counseling session  
23 prohibited from disclosure under the First Responders  
24 Suicide Prevention Act.

25 (pp) Names and all identifying information relating to  
26 an employee of an emergency services provider or law

1 enforcement agency under the First Responders Suicide  
2 Prevention Act.

3 (qq) Information and records held by the Department of  
4 Public Health and its authorized representatives collected  
5 under the Reproductive Health Act.

6 (rr) Information that is exempt from disclosure under  
7 the Cannabis Regulation and Tax Act.

8 (ss) Data reported by an employer to the Department of  
9 Human Rights pursuant to Section 2-108 of the Illinois  
10 Human Rights Act.

11 (tt) Recordings made under the Children's Advocacy  
12 Center Act, except to the extent authorized under that  
13 Act.

14 (uu) Information that is exempt from disclosure under  
15 Section 50 of the Sexual Assault Evidence Submission Act.

16 (vv) Information that is exempt from disclosure under  
17 subsections (f) and (j) of Section 5-36 of the Illinois  
18 Public Aid Code.

19 (ww) Information that is exempt from disclosure under  
20 Section 16.8 of the State Treasurer Act.

21 (xx) Information that is exempt from disclosure or  
22 information that shall not be made public under the  
23 Illinois Insurance Code.

24 (yy) Information prohibited from being disclosed under  
25 the Illinois Educational Labor Relations Act.

26 (zz) Information prohibited from being disclosed under



1 the Illinois Public Labor Relations Act.

2 (aaa) Information prohibited from being disclosed  
3 under Section 1-167 of the Illinois Pension Code.

4 (bbb) Information that is prohibited from disclosure  
5 by the Illinois Police Training Act and the Illinois State  
6 Police Act.

7 (ccc) Records exempt from disclosure under Section  
8 2605-304 of the Illinois State Police Law of the Civil  
9 Administrative Code of Illinois.

10 (ddd) Information prohibited from being disclosed  
11 under Section 35 of the Address Confidentiality for  
12 Victims of Domestic Violence, Sexual Assault, Human  
13 Trafficking, or Stalking Act.

14 (eee) Information prohibited from being disclosed  
15 under subsection (b) of Section 75 of the Domestic  
16 Violence Fatality Review Act.

17 (fff) Images from cameras under the Expressway Camera  
18 Act. This subsection (fff) is inoperative on and after  
19 July 1, 2023.

20 (ggg) Information prohibited from disclosure under  
21 paragraph (3) of subsection (a) of Section 14 of the Nurse  
22 Agency Licensing Act.

23 (hhh) Information submitted to the Illinois Department  
24 ~~of~~ State Police in an affidavit or application for an  
25 assault weapon endorsement, assault weapon attachment  
26 endorsement, .50 caliber rifle endorsement, or .50 caliber

1 cartridge endorsement under the Firearm Owners  
2 Identification Card Act.

3 (iii) Data exempt from disclosure under Section  
4 2-3.196 of the School Code.

5 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;  
6 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.  
7 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,  
8 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;  
9 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.  
10 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,  
11 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;  
12 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.  
13 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised  
14 2-13-23.)

15 Section 10. The School Code is amended by adding Sections  
16 2-3.196 and 22-95 and by changing Sections 27A-5 and 34-18.62  
17 as follows:

18 (105 ILCS 5/2-3.196 new)

19 Sec. 2-3.196. Discrimination, harassment, and retaliation  
20 reporting.

21 (a) The requirements of this Section are subject to  
22 appropriation.

23 (b) The State Board of Education shall build data  
24 collection systems to allow the collection of data on reported

1 allegations of the conduct described in paragraph (1).  
2 Beginning on August 1 of the year after the systems are  
3 implemented and for each reporting school year beginning on  
4 August 1 and ending on July 31 thereafter, each school  
5 district, charter school, and nonpublic, nonsectarian  
6 elementary or secondary school shall disclose to the State  
7 Board of Education all of the following information:

8 (1) The total number of reported allegations of  
9 discrimination, harassment, or retaliation against  
10 students received by each school district, charter school,  
11 or nonpublic, nonsectarian elementary or secondary school  
12 during the reporting school year, defined as August 1 to  
13 July 31, in each of the following categories:

14 (A) sexual harassment;

15 (B) discrimination or harassment on the basis of  
16 race, color, or national origin;

17 (C) discrimination or harassment on the basis of  
18 sex;

19 (D) discrimination or harassment on the basis of  
20 religion;

21 (E) discrimination or harassment on the basis of  
22 disability; and

23 (F) retaliation.

24 (2) The status of allegations, as of the last day of  
25 the reporting period, in each category under paragraph  
26 (1).

1           Allegations shall be reported as unfounded, founded,  
2           or investigation pending by the school district, charter  
3           school, or nonpublic, nonsectarian elementary or secondary  
4           school.

5           (c) A school district, charter school, or nonpublic,  
6           nonsectarian elementary or secondary school may not include in  
7           any disclosures required under this Section any information by  
8           which an individual may be personally identified, including  
9           the name of the victim or victims or those accused of an act of  
10          alleged discrimination, harassment, or retaliation.

11          (d) If a school district, charter school, or nonpublic,  
12          nonsectarian elementary or secondary school fails to disclose  
13          the information required in subsection (b) of this Section by  
14          July 31 of the reporting school year, the State Board of  
15          Education shall provide a written request for disclosure to  
16          the school district, charter school, or nonpublic,  
17          nonsectarian elementary or secondary school, thereby providing  
18          the period of time in which the required information must be  
19          disclosed. If a school district, charter school, or nonpublic,  
20          nonsectarian elementary or secondary school fails to disclose  
21          the information within 14 days after receipt of that written  
22          request, the State Board of Education may petition the  
23          Department of Human Rights to initiate a charge of a civil  
24          rights violation pursuant to Section 5A-102 of the Illinois  
25          Human Rights Act.

26          (e) The State Board of Education shall publish an annual

1 report aggregating the information reported by school  
2 districts, charter schools, and nonpublic, nonsectarian  
3 elementary or secondary schools under subsection (b) of this  
4 Section. Data included in the report shall not be publicly  
5 attributed to any individual school district, charter school,  
6 or nonpublic, nonsectarian elementary or secondary school. The  
7 report shall include the number of incidents reported between  
8 August 1 and July 31 of the preceding reporting school year,  
9 based on each of the categories identified under paragraph (1)  
10 of this subsection (b).

11 The annual report shall be filed with the Department of  
12 Human Rights and the General Assembly and made available to  
13 the public by July 1 of the year following the reporting school  
14 year. Data submitted by a school district, charter school, or  
15 nonpublic, nonsectarian elementary or secondary school to  
16 comply with this Section is confidential and exempt from the  
17 Freedom of Information Act.

18 (f) The State Board of Education may adopt any rules  
19 deemed necessary for implementation of this Section.

20 (g) This Section is repealed on July 1, 2029.

21 (105 ILCS 5/22-95 new)

22 Sec. 22-95. Policy on discrimination, harassment, and  
23 retaliation; response procedures.

24 (a) As used in this Section, "policy" means either the use  
25 of a singular policy or multiple policies.

1       (b) Each school district, charter school, or nonpublic,  
2 nonsectarian elementary or secondary school must create,  
3 implement, and maintain at least one written policy that  
4 prohibits discrimination and harassment based on race, color,  
5 or national origin and prohibits retaliation. The policy may  
6 be included as part of a broader anti-harassment or  
7 anti-discrimination policy, provided that the policy  
8 prohibiting discrimination and harassment based on race,  
9 color, or national origin and retaliation shall be  
10 distinguished with an appropriate title, heading, or label.  
11 This policy must comply with and be distributed in accordance  
12 with all of the following:

13           (1) The policy must be in writing and must include at a  
14 minimum, the following information:

15           (A) descriptions of various forms of  
16 discrimination and harassment based on race, color, or  
17 national origin, including examples;

18           (B) the school district's, charter school's, or  
19 nonpublic, nonsectarian elementary or secondary  
20 school's internal process for filing a complaint  
21 regarding a violation of the policy described in this  
22 subsection, or a reference to that process if  
23 described elsewhere in policy;

24           (C) an overview of the school district's, charter  
25 school's, or nonpublic, nonsectarian elementary or  
26 secondary school's prevention and response program

1 pursuant to subsection (c);

2 (D) potential remedies for a violation of the  
3 policy described in this subsection;

4 (E) a prohibition on retaliation for making a  
5 complaint or participating in the complaint process;

6 (F) the legal recourse available through the  
7 Department of Human Rights and through federal  
8 agencies if a school district, charter school, or  
9 nonpublic, nonsectarian elementary or secondary school  
10 fails to take corrective action, or a reference to  
11 that process if described elsewhere in policy; and

12 (G) directions on how to contact the Department of  
13 Human Rights or a reference to those directions if  
14 described elsewhere in the policy.

15 The policy shall make clear that the policy does not  
16 impair or otherwise diminish the rights of unionized  
17 employees under federal law, State law, or a collective  
18 bargaining agreement to request an exclusive bargaining  
19 representative to be present during investigator  
20 interviews, nor does the policy diminish any rights  
21 available under the applicable negotiated collective  
22 bargaining agreement, including, but not limited to, the  
23 grievance procedure.

24 (2) The policy described in this subsection shall be  
25 posted in a prominent and accessible location and  
26 distributed in such a manner as to ensure notice of the

1 policy to all employees. If the school district, charter  
2 school, or nonpublic, nonsectarian elementary or secondary  
3 school maintains an Internet website or has an employee  
4 Intranet, the website or Intranet shall be considered a  
5 prominent and accessible location for the purpose of this  
6 paragraph (2). Posting and distribution shall be  
7 effectuated by the beginning of the 2024-2025 school year  
8 and shall occur annually thereafter.

9 (3) The policy described in this subsection shall be  
10 published on the school district's, charter school's, or  
11 nonpublic, nonsectarian elementary or secondary school's  
12 Internet website, if one exists, and in a student  
13 handbook, if one exists. A summary of the policy in  
14 accessible, age-appropriate language shall be distributed  
15 annually to students and to the parents or guardians of  
16 minor students. School districts, charter schools, and  
17 nonpublic, nonsectarian elementary or secondary schools  
18 shall provide a summary of the policy in the parent or  
19 guardian's native language. For the annual distribution of  
20 the summary, inclusion of the summary in a student  
21 handbook is deemed compliant.

22 (c) Each school district, charter school, and nonpublic,  
23 nonsectarian elementary or secondary school must establish  
24 procedures for responding to complaints of discrimination and  
25 harassment based on race, color, or national origin and  
26 retaliation. These procedures must comply with subsection (b)



1 of this Section. Based on these procedures, school districts,  
2 charter schools, and nonpublic, nonsectarian elementary or  
3 secondary schools:

4 (1) shall reduce or remove, to the extent practicable,  
5 barriers to reporting discrimination, harassment, and  
6 retaliation;

7 (2) shall permit any person who reports or is the  
8 victim of an incident of alleged discrimination,  
9 harassment, or retaliation to be accompanied when making a  
10 report by a support individual of the person's choice who  
11 complies with the school district's, charter school's, or  
12 nonpublic, nonsectarian elementary or secondary school's  
13 policies or rules;

14 (3) shall permit anonymous reporting, except that this  
15 paragraph (3) may not be construed to permit formal  
16 disciplinary action solely on the basis of an anonymous  
17 report;

18 (4) shall offer remedial interventions or take such  
19 disciplinary action as may be appropriate on a  
20 case-by-case basis;

21 (5) may offer, but not require or unduly influence, a  
22 person who reports or is the victim of an incident of  
23 discrimination, harassment, or retaliation the option to  
24 resolve allegations directly with the offender; and

25 (6) may not cause a person who reports or is the victim  
26 of an incident of discrimination, harassment, or

1       retaliation to suffer adverse consequences as a result of  
2       a report of, an investigation of, or a response to the  
3       incident; this protection may not permit victims to engage  
4       in retaliation against the offender or limit a school  
5       district, charter school, or nonpublic, nonsectarian  
6       elementary or secondary school from applying disciplinary  
7       measures in response to other acts or conduct not related  
8       to the process of reporting, investigating, or responding  
9       to a report of an incident of discrimination, harassment,  
10       or retaliation.

11       (105 ILCS 5/27A-5)

12       (Text of Section before amendment by P.A. 102-466 and  
13       102-702)

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

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

20       (b) A charter school may be established under this Article  
21       by creating a new school or by converting an existing public  
22       school or attendance center to charter school status.  
23       Beginning on April 16, 2003 (the effective date of Public Act  
24       93-3), in all new applications to establish a charter school  
25       in a city having a population exceeding 500,000, operation of

1 the charter school shall be limited to one campus. The changes  
2 made to this Section by Public Act 93-3 do not apply to charter  
3 schools existing or approved on or before April 16, 2003 (the  
4 effective date of Public Act 93-3).

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

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

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. No later than January 1, 2021 (one year  
24 after the effective date of Public Act 101-291), a charter  
25 school's board of directors or other governing body must  
26 include at least one parent or guardian of a pupil currently

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

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

25 (d) For purposes of this subsection (d), "non-curricular  
26 health and safety requirement" means any health and safety

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

11 A charter school shall comply with all non-curricular  
12 health and safety requirements applicable to public schools  
13 under the laws of the State of Illinois. On or before September  
14 1, 2015, the State Board shall promulgate and post on its  
15 Internet website a list of non-curricular health and safety  
16 requirements that a charter school must meet. The list shall  
17 be updated annually no later than September 1. Any charter  
18 contract between a charter school and its authorizer must  
19 contain a provision that requires the charter school to follow  
20 the list of all non-curricular health and safety requirements  
21 promulgated by the State Board and any non-curricular health  
22 and safety requirements added by the State Board to such list  
23 during the term of the charter. Nothing in this subsection (d)  
24 precludes an authorizer from including non-curricular health  
25 and safety requirements in a charter school contract that are  
26 not contained in the list promulgated by the State Board,

1 including non-curricular health and safety requirements of the  
2 authorizing local school board.

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

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

24 (g) A charter school shall comply with all provisions of  
25 this Article, the Illinois Educational Labor Relations Act,  
26 all federal and State laws and rules applicable to public

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

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

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
12 34-84a of this Code regarding discipline of students;

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

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

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

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

21 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

9 (17) the Seizure Smart School Act;

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

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

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

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

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

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

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

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

18 (27) subsections ~~Subsections~~ (d-10), (d-15), and  
19 (d-20) of Section 10-20.56 of this Code; ~~and~~

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

21 (29) ~~(27)~~ Section 10-20.13 of this Code;

22 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~

23 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~

24 (33) Section 2-3.196 of this Code;

25 (34) Section 22-95 of this Code;

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



1           (36) the Illinois Human Rights Act.

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

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

1 governing body of a State college or university or public  
2 community college shall be provided by the public entity at  
3 cost.

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

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

15 (k) If the charter school is approved by the State Board or  
16 Commission, then the charter school is its own local education  
17 agency.

18 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;  
19 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.  
20 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
21 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
22 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.  
23 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813,  
24 eff. 5-13-22; revised 12-13-22.)

25 (Text of Section after amendment by P.A. 102-702 but

1 before amendment by P.A. 102-466)

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

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

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

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

23 From April 1, 2013 through December 31, 2016, there is a  
24 moratorium on the establishment of charter schools with  
25 virtual-schooling components in school districts other than a  
26 school district organized under Article 34 of this Code. This

1 moratorium does not apply to a charter school with  
2 virtual-schooling components existing or approved prior to  
3 April 1, 2013 or to the renewal of the charter of a charter  
4 school with virtual-schooling components already approved  
5 prior to April 1, 2013.

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

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

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

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

24 A charter school shall comply with all non-curricular  
25 health and safety requirements applicable to public schools  
26 under the laws of the State of Illinois. On or before September

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

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

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

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

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

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

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

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

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

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

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

8 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

22 (17) the Seizure Smart School Act;

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

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

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

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



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

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

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

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

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

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

3 (k) If the charter school is approved by the State Board or  
4 Commission, then the charter school is its own local education  
5 agency.

6 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;  
7 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.  
8 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
9 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
10 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.  
11 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,  
12 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

13 (Text of Section after amendment by P.A. 102-466)

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

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

20 (b) A charter school may be established under this Article  
21 by creating a new school or by converting an existing public  
22 school or attendance center to charter school status.  
23 Beginning on April 16, 2003 (the effective date of Public Act  
24 93-3), in all new applications to establish a charter school  
25 in a city having a population exceeding 500,000, operation of

1 the charter school shall be limited to one campus. The changes  
2 made to this Section by Public Act 93-3 do not apply to charter  
3 schools existing or approved on or before April 16, 2003 (the  
4 effective date of Public Act 93-3).

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

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

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. No later than January 1, 2021 (one year  
24 after the effective date of Public Act 101-291), a charter  
25 school's board of directors or other governing body must  
26 include at least one parent or guardian of a pupil currently

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

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

25 (d) For purposes of this subsection (d), "non-curricular  
26 health and safety requirement" means any health and safety

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

11 A charter school shall comply with all non-curricular  
12 health and safety requirements applicable to public schools  
13 under the laws of the State of Illinois. On or before September  
14 1, 2015, the State Board shall promulgate and post on its  
15 Internet website a list of non-curricular health and safety  
16 requirements that a charter school must meet. The list shall  
17 be updated annually no later than September 1. Any charter  
18 contract between a charter school and its authorizer must  
19 contain a provision that requires the charter school to follow  
20 the list of all non-curricular health and safety requirements  
21 promulgated by the State Board and any non-curricular health  
22 and safety requirements added by the State Board to such list  
23 during the term of the charter. Nothing in this subsection (d)  
24 precludes an authorizer from including non-curricular health  
25 and safety requirements in a charter school contract that are  
26 not contained in the list promulgated by the State Board,

1 including non-curricular health and safety requirements of the  
2 authorizing local school board.

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

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

24 (g) A charter school shall comply with all provisions of  
25 this Article, the Illinois Educational Labor Relations Act,  
26 all federal and State laws and rules applicable to public

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

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

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
12 34-84a of this Code regarding discipline of students;

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

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

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

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

21 (6) the Illinois School Student Records Act;

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

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

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



- 1 (10) Section 2-3.162 of this Code regarding student  
2 discipline reporting;
- 3 (11) Sections 22-80 and 27-8.1 of this Code;
- 4 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 5 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 6 (14) Sections 22-90 and 26-18 of this Code;
- 7 (15) Section 22-30 of this Code;
- 8 (16) Sections 24-12 and 34-85 of this Code;
- 9 (17) the Seizure Smart School Act;
- 10 (18) Section 2-3.64a-10 of this Code;
- 11 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 12 (20) Section 10-22.25b of this Code;
- 13 (21) Section 27-9.1a of this Code;
- 14 (22) Section 27-9.1b of this Code;
- 15 (23) Section 34-18.8 of this Code;
- 16 (24) Article 26A of this Code; ~~and~~
- 17 (25) Section 2-3.188 of this Code;
- 18 (26) Section 22-85.5 of this Code;
- 19 (27) subsections ~~Subsections~~ (d-10), (d-15), and  
20 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 21 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~i~~
- 22 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 23 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 24 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~-~~
- 25 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~i~~
- 26 (33) Section 2-3.196 of this Code;

1           (34) Section 22-95 of this Code;

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

3           (36) the Illinois Human Rights Act.

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

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

1 provided by the district at cost. Any services for which a  
2 charter school contracts with a local school board or with the  
3 governing body of a State college or university or public  
4 community college shall be provided by the public entity at  
5 cost.

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

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

17 (k) If the charter school is approved by the State Board or  
18 Commission, then the charter school is its own local education  
19 agency.

20 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;  
21 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.  
22 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
23 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
24 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.  
25 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,  
26 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;

1 revised 12-13-22.)

2 (105 ILCS 5/34-18.62)

3 Sec. 34-18.62. Policies ~~Policy~~ on discrimination and  
4 ~~sexual~~ harassment; prevention and response program.

5 (a) The school district must create, maintain, and  
6 implement an age-appropriate policy on sexual harassment that  
7 must be posted on the school district's website and, if  
8 applicable, any other area where policies, rules, and  
9 standards of conduct are currently posted in each school and  
10 must also be included in the school district's student code of  
11 conduct handbook.

12 (b) The school district must create, maintain, and  
13 implement a policy or policies prohibiting discrimination and  
14 harassment against students based on race, color, and national  
15 origin and prohibiting retaliation against students. Such  
16 policy or policies may be included as part of a broader  
17 anti-harassment or anti-discrimination policy provided they  
18 are distinguished with an appropriate title, heading, or  
19 label. The policy or policies adopted under this subsection  
20 (b) must comply with and be distributed in accordance with  
21 subsection (b) of Section 22-95 of this Code.

22 (c) The school district must establish procedures for  
23 responding to student complaints of discrimination and  
24 harassment based on race, color, or national origin, and  
25 retaliation. These procedures must comply with subsection (c)

1 of Section 22-95 of this Code.

2 (Source: P.A. 101-418, eff. 1-1-20; 102-558, eff. 8-20-21.)

3 Section 15. The Illinois Human Rights Act is amended by  
4 changing Sections 1-102, 5-102.2, 5A-101, 5A-102, and 6-101  
5 and by adding Sections 5A-103 and 5A-104 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 Sec. 1-102. Declaration of Policy. It is the public  
8 policy of this State:

9 (A) Freedom from Unlawful Discrimination. To secure for  
10 all individuals within Illinois the freedom from  
11 discrimination based on ~~against any individual because of his~~  
12 ~~or her~~ race, color, religion, sex, national origin, ancestry,  
13 age, order of protection status, marital status, physical or  
14 mental disability, military status, sexual orientation,  
15 pregnancy, or unfavorable discharge from military service in  
16 connection with employment, real estate transactions, access  
17 to financial credit, and the availability of public  
18 accommodations, including in elementary, secondary, and higher  
19 education.

20 (B) Freedom from Sexual Harassment-Employment and  
21 Elementary, Secondary, and Higher Education. To prevent sexual  
22 harassment in employment and sexual harassment in elementary,  
23 secondary, and higher education.

24 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on  
2 citizenship status in employment.

3 (C-5) Freedom from Discrimination Based on Work  
4 Authorization Status-Employment. To prevent discrimination  
5 based on the specific status or term of status that  
6 accompanies a legal work authorization.

7 (D) Freedom from Discrimination Based on Familial Status  
8 or Source of Income-Real Estate Transactions. To prevent  
9 discrimination based on familial status or source of income in  
10 real estate transactions.

11 (E) Public Health, Welfare and Safety. To promote the  
12 public health, welfare and safety by protecting the interest  
13 of all people in Illinois in maintaining personal dignity, in  
14 realizing their full productive capacities, and in furthering  
15 their interests, rights and privileges as citizens of this  
16 State.

17 (F) Implementation of Constitutional Guarantees. To secure  
18 and guarantee the rights established by Sections 17, 18 and 19  
19 of Article I of the Illinois Constitution of 1970.

20 (G) Equal Opportunity, Affirmative Action. To establish  
21 Equal Opportunity and Affirmative Action as the policies of  
22 this State in all of its decisions, programs and activities,  
23 and to assure that all State departments, boards, commissions  
24 and instrumentalities rigorously take affirmative action to  
25 provide equality of opportunity and eliminate the effects of  
26 past discrimination in the internal affairs of State

1 government and in their relations with the public.

2 (H) Unfounded Charges. To protect citizens of this State  
3 against unfounded charges of prohibited unlawful  
4 discrimination, sexual harassment in employment, real estate  
5 transactions, financial credit, and public accommodations,  
6 including and sexual harassment in elementary, secondary, and  
7 higher education, and discrimination based on citizenship  
8 status or work authorization status in employment.

9 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

10 (775 ILCS 5/5-102.2)

11 Sec. 5-102.2. Jurisdiction limited. In regard to places of  
12 public accommodation defined in paragraph (11) of Section  
13 5-101, ~~the jurisdiction under this Article of the Department~~  
14 is limited to: (1) the failure to enroll an individual; (2) the  
15 denial or refusal of full and equal enjoyment of facilities,  
16 goods, or services; or (3) severe or pervasive harassment of  
17 an individual when the covered entity fails to take corrective  
18 action to stop the severe or pervasive harassment. This  
19 limitation on jurisdiction set forth in this Section does not  
20 apply to civil rights violations under Article 2, 3, 4, 5A, or  
21 6.

22 (Source: P.A. 102-1102, eff. 1-1-23.)

23 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

24 Sec. 5A-101. Definitions. The following definitions are

1 applicable strictly in the content of this Article, except  
2 that the term "sexual harassment in elementary, secondary, and  
3 higher education" as defined herein has the meaning herein  
4 ascribed to it whenever that term is used anywhere in this Act.

5 (A) Institution of Elementary, Secondary, or Higher  
6 Education. "Institution of elementary, secondary, or higher  
7 education" means: (1) a publicly or privately operated  
8 university, college, community college, junior college,  
9 business or vocational school, or other educational  
10 institution offering degrees and instruction beyond the  
11 secondary school level; or (2) a publicly or privately  
12 operated elementary school or secondary school.

13 (B) Degree. "Degree" means: (1) a designation,  
14 appellation, series of letters or words or other symbols which  
15 signifies or purports to signify that the recipient thereof  
16 has satisfactorily completed an organized academic, business  
17 or vocational program of study offered beyond the secondary  
18 school level; or (2) a designation signifying that the  
19 recipient has graduated from an elementary school or secondary  
20 school.

21 (C) Student. "Student" means any individual admitted to or  
22 applying for admission to an institution of elementary,  
23 secondary, or higher education, or enrolled on a full or part  
24 time basis in a course or program of academic, business or  
25 vocational instruction offered by or through an institution of  
26 elementary, secondary, or higher education.



1           (D) Elementary, Secondary, or Higher Education  
2 Representative. "Elementary, secondary, or higher education  
3 representative" means and includes the president, chancellor  
4 or other holder of any executive office on the administrative  
5 staff of an institution of higher education, an administrator  
6 of an elementary school or secondary school, a member of the  
7 faculty of an institution of higher education, including but  
8 not limited to a dean or associate or assistant dean, a  
9 professor or associate or assistant professor, and a full or  
10 part time instructor or visiting professor, including a  
11 graduate assistant or other student who is employed on a  
12 temporary basis of less than full time as a teacher or  
13 instructor of any course or program of academic, business or  
14 vocational instruction offered by or through an institution of  
15 higher education, and any teacher, instructor, or other  
16 employee of an elementary school or secondary school.

17           (E) Sexual Harassment in Elementary, Secondary, and Higher  
18 Education. "Sexual harassment in elementary, secondary, and  
19 higher education" means any unwelcome sexual advances or  
20 requests for sexual favors made by an elementary, secondary,  
21 or higher education representative to a student, or any  
22 conduct of a sexual nature exhibited by an elementary,  
23 secondary, or higher education representative toward a  
24 student, when such conduct has the purpose of substantially  
25 interfering with the student's educational performance or  
26 creating an intimidating, hostile or offensive educational

1 environment; or when the elementary, secondary, or higher  
2 education representative either explicitly or implicitly makes  
3 the student's submission to such conduct a term or condition  
4 of, or uses the student's submission to or rejection of such  
5 conduct as a basis for determining:

6 (1) Whether the student will be admitted to an  
7 institution of elementary, secondary, or higher education;

8 (2) The educational performance required or expected  
9 of the student;

10 (3) The attendance or assignment requirements  
11 applicable to the student;

12 (4) To what courses, fields of study or programs,  
13 including honors and graduate programs, the student will  
14 be admitted;

15 (5) What placement or course proficiency requirements  
16 are applicable to the student;

17 (6) The quality of instruction the student will  
18 receive;

19 (7) What tuition or fee requirements are applicable to  
20 the student;

21 (8) What scholarship opportunities are available to  
22 the student;

23 (9) What extracurricular teams the student will be a  
24 member of or in what extracurricular competitions the  
25 student will participate;

26 (10) Any grade the student will receive in any

1 examination or in any course or program of instruction in  
2 which the student is enrolled;

3 (11) The progress of the student toward successful  
4 completion of or graduation from any course or program of  
5 instruction in which the student is enrolled; or

6 (12) What degree, if any, the student will receive.

7 (F) Harassment in Elementary, Secondary, or Higher  
8 Education. "Harassment in elementary, secondary, or higher  
9 education" means any unwelcome conduct by an elementary,  
10 secondary or higher education representative toward a student  
11 on the basis of a student's actual or perceived race, color,  
12 religion, national origin, ancestry, age, sex, marital status,  
13 order of protection status, disability, military status,  
14 sexual orientation, pregnancy, or unfavorable discharge from  
15 military service that has the purpose or effect of  
16 substantially interfering with a student's educational  
17 performance or creating an intimidating, hostile, or offensive  
18 educational environment.

19 (G) Educational Environment. "Educational environment"  
20 includes conduct that occurs at school, school-related  
21 activities, or events, and may include conduct that occurs off  
22 school grounds, subject to applicable State and federal law.

23 (Source: P.A. 96-1319, eff. 7-27-10.)

24 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

25 Sec. 5A-102. Civil Rights Violations-Elementary,

1 Secondary, and Higher Education. It is a civil rights  
2 violation:

3 (A) Sexual Harassment; Elementary ~~Elementary,~~  
4 Secondary, or Higher Education Representative. For any  
5 elementary, secondary, or higher education representative  
6 to commit or engage in sexual harassment in elementary,  
7 secondary, or higher education.

8 (B) Sexual Harassment; Institution ~~Institution~~ of  
9 Elementary, Secondary, or Higher Education. For any  
10 institution of elementary, secondary, or higher education  
11 to fail to take remedial action, or to fail to take  
12 appropriate disciplinary action against an elementary,  
13 secondary, or higher education representative employed by  
14 such institution, when such institution knows that such  
15 elementary, secondary, or higher education representative  
16 was committing or engaging in or committed or engaged in  
17 sexual harassment in elementary, secondary, or higher  
18 education.

19 (C) Harassment; Elementary, Secondary, or Higher  
20 Education Representative. For any elementary, secondary,  
21 or higher education representative to commit or engage in  
22 harassment in elementary, secondary, or higher education.

23 (D) Harassment; Institution of Elementary, Secondary,  
24 or Higher Education. For any institution of elementary,  
25 secondary, or higher education to fail to take appropriate  
26 corrective action to stop harassment if the institution

1 knows that an elementary, secondary, or higher education  
2 representative was committing or engaging in or committed  
3 or engaged in harassment in elementary, secondary, or  
4 higher education.

5 (E) Failure to Report. For any school district  
6 established under the School Code or institutions of  
7 elementary or secondary education covered by this Act to  
8 fail to disclose information as required by Section  
9 2-3.196 of the School Code.

10 (F) Exemptions. Nothing in Article 5A shall be  
11 construed to limit jurisdiction under Section 5-102.2.  
12 Subsections (C), (D), and (E) shall apply solely to  
13 nonsectarian institutions of elementary, secondary or  
14 higher education and elementary, secondary, or higher  
15 education representatives employed by such nonsectarian  
16 institutions.

17 (Source: P.A. 96-574, eff. 8-18-09; 96-1319, eff. 7-27-10.)

18 (775 ILCS 5/5A-103 new)

19 Sec. 5A-103. Discrimination and harassment based on race,  
20 color, or national origin; and retaliation.

21 (a) The General Assembly finds that harassment and  
22 discrimination based on race, color, or national origin has a  
23 detrimental influence in schools, contributing to  
24 psychological and physical harm and poorer academic outcomes  
25 for students of color, and higher rates of teacher turnover

1 among teachers of color. It is the General Assembly's intent  
2 that each institution of elementary and secondary education in  
3 the State adopt and actively implement policies to reduce and  
4 respond effectively to harassment and discrimination based on  
5 race, color, or national origin; to provide students, parents  
6 or guardians, and employees information on how to recognize  
7 and report harassment and discrimination; and, for students,  
8 parents or guardians, and employees, to report harassment and  
9 discrimination based on race, color, or national origin  
10 without fear of retaliation, loss of status, or loss of  
11 opportunities.

12 (b) The Department shall produce a model training program  
13 aimed at the prevention of discrimination and harassment based  
14 on race, color, and national origin in institutions of  
15 elementary and secondary education. The model program shall be  
16 made available to institutions of elementary and secondary  
17 education and to the public online at no cost. This model  
18 program shall regard participants as potential bystanders,  
19 rather than potential offenders, and include, at a minimum,  
20 the following:

21 (1) a primary focus on preventing discrimination and  
22 harassment based on race, color, or national origin and  
23 retaliation;

24 (2) an explanation of discrimination and harassment  
25 based on race, color, or national origin and retaliation;

26 (3) examples of conduct that constitutes

1 discrimination and harassment based on race, color, or  
2 national origin and retaliation;

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

6 (5) an explanation of the difference between  
7 discrimination based on disparate treatment and  
8 discrimination based on disparate impact;

9 (6) a summary of other classes that are protected from  
10 harassment and discrimination, and a statement that  
11 training intended to improve recognition of discrimination  
12 and harassment based on race, color, and national origin  
13 does not diminish protections under the law for other  
14 protected classes;

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

17 (8) a summary of relevant federal and State statutory  
18 protections and remedies available to victims concerning  
19 discrimination and harassment based on race, color, and  
20 national origin, and retaliation, including, but not  
21 limited to, a summary of this Act's protections from  
22 discrimination, harassment and retaliation in the  
23 following contexts:

24 (a) students toward other students;

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

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

3           (d) teachers and other employees of an elementary  
4           or secondary school toward other teachers and  
5           employees of an elementary or secondary school.

6           (9) directions on how to contact the Department if a  
7           school fails to take corrective action to stop the  
8           harassment or discrimination;

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

15           (a) students toward other students;

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

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

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

23           (11) an explanation of the liability for  
24           discrimination, harassment, and retaliation under this  
25           Act.

26           (c) Every institution of elementary or secondary education



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

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

23 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

24 Sec. 6-101. Additional civil rights violations under  
25 Articles 2, 4, 5, ~~and 5A,~~ and 6. It is a civil rights violation

1 for a person, or for 2 or more persons, to conspire to:

2 (A) Retaliation. Retaliate against a person because  
3 that person ~~he or she~~ has:

4 (i) opposed or reported conduct that the person  
5 ~~that which he or she~~ reasonably and in good faith  
6 believes to be prohibited ~~unlawful discrimination,~~  
7 ~~sexual harassment in employment, sexual harassment in~~  
8 ~~elementary, secondary, and higher education, or~~  
9 ~~discrimination based on arrest record, citizenship~~  
10 ~~status, or work authorization status in employment~~  
11 under Articles 2, 4, 5, and 5A, and 6; ~~because he or~~  
12 ~~she has~~

13 (ii) made a charge, filed a complaint, testified,  
14 assisted, or participated in an investigation,  
15 proceeding, or hearing under this Act; ~~or, or because~~  
16 ~~he or she has~~

17 (iii) requested, attempted to request, used, or  
18 attempted to use a reasonable accommodation as allowed  
19 by this Act;

20 (B) Aiding and Abetting; Coercion. Aid, abet, compel,  
21 or coerce a person to commit any violation of this Act;

22 (C) Interference. Wilfully interfere with the  
23 performance of a duty or the exercise of a power by the  
24 Commission or one of its members or representatives or the  
25 Department or one of its officers or employees.

26 ~~Definitions. For the purposes of this Section, "sexual~~

1 ~~harassment", "citizenship status", and "work authorization~~  
2 ~~status" shall have the same meaning as defined in Section~~  
3 ~~2-101 of this Act.~~

4 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;  
5 102-813, eff. 5-13-22.)

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 August  
14 1, 2024.