



Sen. Laura M. Murphy

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1 AMENDMENT TO SENATE BILL 90

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 90 by replacing  
3 everything after the enacting clause with the following:

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

1 library users with specific materials under the Library  
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical  
4 records received by the Experimental Organ Transplantation  
5 Procedures Board and any and all documents or other  
6 records prepared by the Experimental Organ Transplantation  
7 Procedures Board or its staff relating to applications it  
8 has received.

9 (d) Information and records held by the Department of  
10 Public Health and its authorized representatives relating  
11 to known or suspected cases of sexually transmissible  
12 disease or any information the disclosure of which is  
13 restricted under the Illinois Sexually Transmissible  
14 Disease Control Act.

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

17 (f) Firm performance evaluations under Section 55 of  
18 the Architectural, Engineering, and Land Surveying  
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted  
21 and exempted under Section 50 of the Illinois Prepaid  
22 Tuition Act.

23 (h) Information the disclosure of which is exempted  
24 under the State Officials and Employees Ethics Act, and  
25 records of any lawfully created State or local inspector  
26 general's office that would be exempt if created or

1           obtained by an Executive Inspector General's office under  
2           that Act.

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

7           (j) Information and data concerning the distribution  
8           of surcharge moneys collected and remitted by carriers  
9           under the Emergency Telephone System Act.

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

14          (l) Records and information provided to a residential  
15          health care facility resident sexual assault and death  
16          review team or the Executive Council under the Abuse  
17          Prevention Review Team Act.

18          (m) Information provided to the predatory lending  
19          database created pursuant to Article 3 of the Residential  
20          Real Property Disclosure Act, except to the extent  
21          authorized under that Article.

22          (n) Defense budgets and petitions for certification of  
23          compensation and expenses for court appointed trial  
24          counsel as provided under Sections 10 and 15 of the  
25          Capital Crimes Litigation Act. This subsection (n) shall  
26          apply until the conclusion of the trial of the case, even

1 if the prosecution chooses not to pursue the death penalty  
2 prior to trial or sentencing.

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

6 (p) Security portions of system safety program plans,  
7 investigation reports, surveys, schedules, lists, data, or  
8 information compiled, collected, or prepared by or for the  
9 Department of Transportation under Sections 2705-300 and  
10 2705-616 of the Department of Transportation Law of the  
11 Civil Administrative Code of Illinois, the Regional  
12 Transportation Authority under Section 2.11 of the  
13 Regional Transportation Authority Act, or the St. Clair  
14 County Transit District under the Bi-State Transit Safety  
15 Act.

16 (q) Information prohibited from being disclosed by the  
17 Personnel Record Review Act.

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

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

22 (t) All identified or deidentified health information  
23 in the form of health data or medical records contained  
24 in, stored in, submitted to, transferred by, or released  
25 from the Illinois Health Information Exchange, and  
26 identified or deidentified health information in the form

1 of health data and medical records of the Illinois Health  
2 Information Exchange in the possession of the Illinois  
3 Health Information Exchange Office due to its  
4 administration of the Illinois Health Information  
5 Exchange. The terms "identified" and "deidentified" shall  
6 be given the same meaning as in the Health Insurance  
7 Portability and Accountability Act of 1996, Public Law  
8 104-191, or any subsequent amendments thereto, and any  
9 regulations promulgated thereunder.

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

13 (v) Names and information of people who have applied  
14 for or received Firearm Owner's Identification Cards under  
15 the Firearm Owners Identification Card Act or applied for  
16 or received a concealed carry license under the Firearm  
17 Concealed Carry Act, unless otherwise authorized by the  
18 Firearm Concealed Carry Act; and databases under the  
19 Firearm Concealed Carry Act, records of the Concealed  
20 Carry Licensing Review Board under the Firearm Concealed  
21 Carry Act, and law enforcement agency objections under the  
22 Firearm Concealed Carry Act.

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

26 (w) Personally identifiable information which is

1           exempted from disclosure under subsection (g) of Section  
2           19.1 of the Toll Highway Act.

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

6           (y) Confidential information under the Adult  
7           Protective Services Act and its predecessor enabling  
8           statute, the Elder Abuse and Neglect Act, including  
9           information about the identity and administrative finding  
10          against any caregiver of a verified and substantiated  
11          decision of abuse, neglect, or financial exploitation of  
12          an eligible adult maintained in the Registry established  
13          under Section 7.5 of the Adult Protective Services Act.

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

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

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

22          (cc) Recordings made under the Law Enforcement  
23          Officer-Worn Body Camera Act, except to the extent  
24          authorized under that Act.

25          (dd) Information that is prohibited from being  
26          disclosed under Section 45 of the Condominium and Common

1 Interest Community Ombudsperson Act.

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

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

6 (gg) Information that is prohibited from being  
7 disclosed under Section 7-603.5 of the Illinois Vehicle  
8 Code.

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

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

14 (jj) Information and reports that are required to be  
15 submitted to the Department of Labor by registering day  
16 and temporary labor service agencies but are exempt from  
17 disclosure under subsection (a-1) of Section 45 of the Day  
18 and Temporary Labor Services Act.

19 (kk) Information prohibited from disclosure under the  
20 Seizure and Forfeiture Reporting Act.

21 (ll) Information the disclosure of which is restricted  
22 and exempted under Section 5-30.8 of the Illinois Public  
23 Aid Code.

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

26 (nn) Information that is exempt from disclosure under

1 Section 70 of the Higher Education Student Assistance Act.

2 (oo) Communications, notes, records, and reports  
3 arising out of a peer support counseling session  
4 prohibited from disclosure under the First Responders  
5 Suicide Prevention Act.

6 (pp) Names and all identifying information relating to  
7 an employee of an emergency services provider or law  
8 enforcement agency under the First Responders Suicide  
9 Prevention Act.

10 (qq) Information and records held by the Department of  
11 Public Health and its authorized representatives collected  
12 under the Reproductive Health Act.

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

15 (ss) Data reported by an employer to the Department of  
16 Human Rights pursuant to Section 2-108 of the Illinois  
17 Human Rights Act.

18 (tt) Recordings made under the Children's Advocacy  
19 Center Act, except to the extent authorized under that  
20 Act.

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

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

26 (ww) Information that is exempt from disclosure under



1 Section 16.8 of the State Treasurer Act.

2 (xx) Information that is exempt from disclosure or  
3 information that shall not be made public under the  
4 Illinois Insurance Code.

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

7 (zz) Information prohibited from being disclosed under  
8 the Illinois Public Labor Relations Act.

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

11 (bbb) Information that is prohibited from disclosure  
12 by the Illinois Police Training Act and the Illinois State  
13 Police Act.

14 (ccc) Records exempt from disclosure under Section  
15 2605-304 of the Illinois State Police Law of the Civil  
16 Administrative Code of Illinois.

17 (ddd) Information prohibited from being disclosed  
18 under Section 35 of the Address Confidentiality for  
19 Victims of Domestic Violence, Sexual Assault, Human  
20 Trafficking, or Stalking Act.

21 (eee) Information prohibited from being disclosed  
22 under subsection (b) of Section 75 of the Domestic  
23 Violence Fatality Review Act.

24 (fff) Images from cameras under the Expressway Camera  
25 Act. This subsection (fff) is inoperative on and after  
26 July 1, 2023.

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

4 (hhh) Information submitted to the Illinois Department  
5 ~~of~~ State Police in an affidavit or application for an  
6 assault weapon endorsement, assault weapon attachment  
7 endorsement, .50 caliber rifle endorsement, or .50 caliber  
8 cartridge endorsement under the Firearm Owners  
9 Identification Card Act.

10 (iii) Data exempt from disclosure under Section  
11 2-3.196 of the School Code.

12 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;  
13 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.  
14 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,  
15 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;  
16 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.  
17 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,  
18 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;  
19 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.  
20 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised  
21 2-13-23.)

22 Section 10. The School Code is amended by adding Sections  
23 2-3.196 and 22-95 and by changing Sections 27A-5 and 34-18.62  
24 as follows:

1 (105 ILCS 5/2-3.196 new)

2 Sec. 2-3.196. Discrimination, harassment, and retaliation  
3 reporting.

4 (a) The requirements of this Section are subject to  
5 appropriation.

6 (b) The State Board of Education shall build data  
7 collection systems to allow the collection of data on  
8 allegations of the conduct described in paragraph (1). By  
9 August 1 of the year after the system is implemented and by  
10 each August 1 thereafter, each school district, charter  
11 school, and nonpublic, nonsectarian elementary or secondary  
12 school shall disclose to the State Board of Education all of  
13 the following information:

14 (1) The total number of reported allegations of  
15 discrimination, harassment, or retaliation against  
16 students received by each school district, charter school,  
17 or nonpublic, nonsectarian elementary or secondary school  
18 during the preceding school year, defined as August 1 to  
19 July 31, and the total amount of allegations in each of the  
20 following categories:

21 (A) sexual harassment;

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

24 (C) discrimination or harassment on the basis of  
25 sex;

26 (D) discrimination or harassment on the basis of

1           religion;

2           (E) discrimination or harassment on the basis of  
3           disability; and

4           (F) retaliation.

5           (2) The status of allegations, as of the last day of  
6           the reporting period, in each category under paragraph  
7           (1).

8           Allegations shall be reported as unfounded, founded,  
9           or investigation pending by the school district, charter  
10           school, or nonpublic, nonsectarian elementary or secondary  
11           school.

12           (c) A school district, charter school, or nonpublic,  
13           nonsectarian elementary or secondary school may not include in  
14           any disclosures required under this Section any information by  
15           which an individual may be personally identified, including  
16           the name of the victim or victims or those accused of an act of  
17           alleged harassment.

18           (d) If a school district, charter school, or nonpublic,  
19           non-sectarian elementary or secondary school fails to disclose  
20           the information required in subsection (b) of this Section by  
21           July 31 of the reporting school year, the State Board of  
22           Education shall provide a written request for disclosure to  
23           the school district, charter school, or nonpublic,  
24           nonsectarian elementary or secondary school, thereby providing  
25           the period of time in which the required information must be  
26           disclosed. If a school district, charter school, or nonpublic,

1 nonsectarian elementary or secondary school fails to disclose  
2 the information within 14 days after receipt of that written  
3 request, the State Board of Education may petition the  
4 Department of Human Rights to initiate a charge of a civil  
5 rights violation pursuant to Section 5A-102 of the Illinois  
6 Human Rights Act.

7 (e) The State Board of Education shall publish an annual  
8 report aggregating the information reported by school  
9 districts, charter schools, and nonpublic, nonsectarian  
10 elementary or secondary schools under subsection (b) of this  
11 Section. Data included in the report shall not be publicly  
12 attributed to any individual school district, charter school,  
13 or nonpublic, nonsectarian elementary or secondary school. The  
14 report shall include the number of incidents reported between  
15 August 1 and July 31 of the preceding reporting school year,  
16 based on each of the protected classes identified under  
17 paragraph (1) of this subsection (b).

18 The annual report shall be filed with the Department and  
19 the General Assembly and made available to the public by July 1  
20 of the year following the reporting school year. Data  
21 submitted by a school district, charter school, or nonpublic,  
22 nonsectarian elementary or secondary school to comply with  
23 this Section is confidential and exempt from the Freedom of  
24 Information Act.

25 (f) The State Board of Education shall adopt any rules  
26 deemed necessary for implementation of this Section.

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

2       (105 ILCS 5/22-95 new)

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

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

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

20           (A) descriptions of various forms of  
21 discrimination and harassment based on race, color, or  
22 national origin, including examples;

23           (B) the school district's, charter school's, or  
24 nonpublic, nonsectarian elementary or secondary  
25 school's internal process for filing a complaint

1 regarding a violation of the policy described in this  
2 subsection, or a reference to that process if  
3 described elsewhere in policy;

4 (C) an overview of the school district's, charter  
5 school's, or nonpublic, nonsectarian elementary or  
6 secondary school's prevention and response program  
7 pursuant to subsection (b);

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

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

12 (F) the legal recourse available through the  
13 Department of Human Rights and through federal  
14 agencies if a school district, charter school, or  
15 nonpublic, nonsectarian elementary or secondary school  
16 fails to take corrective action, or a reference to  
17 that process if described elsewhere in policy; and

18 (G) directions on how to contact the Department of  
19 Human Rights or a reference to those directions if  
20 described elsewhere in the policy.

21 (2) The policy described in this subsection shall be  
22 posted in a prominent and accessible location and  
23 distributed in such a manner as to ensure notice of the  
24 policy to all employees. If the school district, charter  
25 school, or nonpublic, nonsectarian elementary or secondary  
26 school maintains an Internet website or has an employee

1 Intranet, the website or Intranet shall be considered a  
2 prominent and accessible location for the purpose of this  
3 paragraph (2). Distribution shall be effectuated by the  
4 beginning of the 2024-2025 school year and shall occur  
5 annually thereafter.

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

19 (b) Each school district, charter school, and nonpublic,  
20 nonsectarian elementary or secondary school must establish  
21 procedures for responding to student complaints of  
22 discrimination, harassment, and retaliation based on race,  
23 color, or national origin. Based on these procedures, school  
24 districts, charter schools, and nonpublic, nonsectarian  
25 elementary or secondary schools:

26 (1) shall reduce or remove, to the extent practicable,



1 barriers to students reporting discrimination, harassment,  
2 and retaliation;

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

10 (3) shall permit anonymous reporting, except that this  
11 paragraph (3) may not be construed to permit formal  
12 disciplinary action solely on the basis of an anonymous  
13 report;

14 (4) shall offer remedial interventions or take such  
15 disciplinary action as may be appropriate on a  
16 case-by-case basis;

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

21 (6) may not cause a person who reports or is the victim  
22 of an incident of discrimination, harassment, or  
23 retaliation to suffer adverse consequences as a result of  
24 a report of, an investigation of, or a response to the  
25 incident; this protection may not permit victims to engage  
26 in retaliation against the offender or prevent a school

1       from applying disciplinary measures in response to other  
2       acts or conduct not related to the process of reporting,  
3       investigating, or responding to a report of an incident of  
4       discrimination, harassment, or retaliation.

5       (105 ILCS 5/27A-5)

6       (Text of Section before amendment by P.A. 102-466 and  
7       102-702)

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.  
17       Beginning on April 16, 2003 (the effective date of Public Act  
18       93-3), in all new applications to establish a charter school  
19       in a city having a population exceeding 500,000, operation of  
20       the charter school shall be limited to one campus. The changes  
21       made to this Section by Public Act 93-3 do not apply to charter  
22       schools existing or approved on or before April 16, 2003 (the  
23       effective date of Public Act 93-3).

24       (b-5) In this subsection (b-5), "virtual-schooling" means  
25       a cyber school where students engage in online curriculum and

1 instruction via the Internet and electronic communication with  
2 their teachers at remote locations and with students  
3 participating at different times.

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

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

26 (c-5) No later than January 1, 2021 (one year after the

1 effective date of Public Act 101-291) or within the first year  
2 of his or her first term, every voting member of a charter  
3 school's board of directors or other governing body shall  
4 complete a minimum of 4 hours of professional development  
5 leadership training to ensure that each member has sufficient  
6 familiarity with the board's or governing body's role and  
7 responsibilities, including financial oversight and  
8 accountability of the school, evaluating the principal's and  
9 school's performance, adherence to the Freedom of Information  
10 Act and the Open Meetings Act, and compliance with education  
11 and labor law. In each subsequent year of his or her term, a  
12 voting member of a charter school's board of directors or  
13 other governing body shall complete a minimum of 2 hours of  
14 professional development training in these same areas. The  
15 training under this subsection may be provided or certified by  
16 a statewide charter school membership association or may be  
17 provided or certified by other qualified providers approved by  
18 the State Board of Education.

19 (d) For purposes of this subsection (d), "non-curricular  
20 health and safety requirement" means any health and safety  
21 requirement created by statute or rule to provide, maintain,  
22 preserve, or safeguard safe or healthful conditions for  
23 students and school personnel or to eliminate, reduce, or  
24 prevent threats to the health and safety of students and  
25 school personnel. "Non-curricular health and safety  
26 requirement" does not include any course of study or

1 specialized instructional requirement for which the State  
2 Board has established goals and learning standards or which is  
3 designed primarily to impart knowledge and skills for students  
4 to master and apply as an outcome of their education.

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

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

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

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

26           (1) Sections 10-21.9 and 34-18.5 of this Code

1 regarding criminal history records checks and checks of  
2 the Statewide Sex Offender Database and Statewide Murderer  
3 and Violent Offender Against Youth Database of applicants  
4 for employment;

5 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
6 34-84a of this Code regarding discipline of students;

7 (3) the Local Governmental and Governmental Employees  
8 Tort Immunity Act;

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

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

13 (5.5) subsection (b) of Section 10-23.12 and  
14 subsection (b) of Section 34-18.6 of this Code;

15 (6) the Illinois School Student Records Act;

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

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

19 (9) Section 27-23.7 of this Code regarding bullying  
20 prevention;

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

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

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

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

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

- 1 (15) Section 22-30 of this Code;
- 2 (16) Sections 24-12 and 34-85 of this Code;
- 3 (17) the Seizure Smart School Act;
- 4 (18) Section 2-3.64a-10 of this Code;
- 5 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 6 (20) Section 10-22.25b of this Code;
- 7 (21) Section 27-9.1a of this Code;
- 8 (22) Section 27-9.1b of this Code;
- 9 (23) Section 34-18.8 of this Code;
- 10 (25) Section 2-3.188 of this Code;
- 11 (26) Section 22-85.5 of this Code;
- 12 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 13 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 14 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~
- 15 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 16 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 17 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~;~~
- 18 (33) Section 2-3.196 of this Code;
- 19 (34) Section 22-95 of this Code;
- 20 (35) Section 34-18.62 of this Code; and
- 21 (36) the Illinois Human Rights Act.

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

24 (h) A charter school may negotiate and contract with a  
25 school district, the governing body of a State college or  
26 university or public community college, or any other public or



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

12 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;  
13 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.  
14 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
15 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
16 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.  
17 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813,  
18 eff. 5-13-22; revised 12-13-22.)

19 (Text of Section after amendment by P.A. 102-702 but  
20 before amendment by P.A. 102-466)

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

22 (a) A charter school shall be a public, nonsectarian,  
23 nonreligious, non-home based, and non-profit school. A charter  
24 school shall be organized and operated as a nonprofit  
25 corporation or other discrete, legal, nonprofit entity

1 authorized under the laws of the State of Illinois.

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

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

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

26 (c) A charter school shall be administered and governed by

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

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

1 professional development training in these same areas. The  
2 training under this subsection may be provided or certified by  
3 a statewide charter school membership association or may be  
4 provided or certified by other qualified providers approved by  
5 the State Board of Education.

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

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

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

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

14 (f) A charter school shall be responsible for the  
15 management and operation of its fiscal affairs, including, but  
16 not limited to, the preparation of its budget. An audit of each  
17 charter school's finances shall be conducted annually by an  
18 outside, independent contractor retained by the charter  
19 school. The contractor shall not be an employee of the charter  
20 school or affiliated with the charter school or its authorizer  
21 in any way, other than to audit the charter school's finances.  
22 To ensure financial accountability for the use of public  
23 funds, on or before December 1 of every year of operation, each  
24 charter school shall submit to its authorizer and the State  
25 Board a copy of its audit and a copy of the Form 990 the  
26 charter school filed that year with the federal Internal

1 Revenue Service. In addition, if deemed necessary for proper  
2 financial oversight of the charter school, an authorizer may  
3 require quarterly financial statements from each charter  
4 school.

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

13 (1) Sections 10-21.9 and 34-18.5 of this Code  
14 regarding criminal history records checks and checks of  
15 the Statewide Sex Offender Database and Statewide Murderer  
16 and Violent Offender Against Youth Database of applicants  
17 for employment;

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

20 (3) the Local Governmental and Governmental Employees  
21 Tort Immunity Act;

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

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

26 (5.5) subsection (b) of Section 10-23.12 and

1 subsection (b) of Section 34-18.6 of this Code;

2 (6) the Illinois School Student Records Act;

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

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

6 (9) Section 27-23.7 of this Code regarding bullying  
7 prevention;

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

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

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

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

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

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

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

16 (17) the Seizure Smart School Act;

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

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

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

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

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

22 (23) Section 34-18.8 of this Code; ~~and~~

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

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

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



- 1           (28) Sections 10-20.83 and 34-18.78 of this Code;~~i-~~  
2           (29) ~~(27)~~ Section 10-20.13 of this Code;  
3           (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~  
4           (31) ~~(29)~~ Section 34-21.6 of this Code;~~i-~~  
5           (32) ~~(25)~~ Section 22-85.10 of this Code;~~i-~~  
6           (33) Section 2-3.196 of this Code;  
7           (34) Section 22-95 of this Code;  
8           (35) Section 34-18.62 of this Code; and  
9           (36) the Illinois Human Rights Act.

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

12           (h) A charter school may negotiate and contract with a  
13 school district, the governing body of a State college or  
14 university or public community college, or any other public or  
15 for-profit or nonprofit private entity for: (i) the use of a  
16 school building and grounds or any other real property or  
17 facilities that the charter school desires to use or convert  
18 for use as a charter school site, (ii) the operation and  
19 maintenance thereof, and (iii) the provision of any service,  
20 activity, or undertaking that the charter school is required  
21 to perform in order to carry out the terms of its charter.  
22 However, a charter school that is established on or after  
23 April 16, 2003 (the effective date of Public Act 93-3) and that  
24 operates in a city having a population exceeding 500,000 may  
25 not contract with a for-profit entity to manage or operate the  
26 school during the period that commences on April 16, 2003 (the

1 effective date of Public Act 93-3) and concludes at the end of  
2 the 2004-2005 school year. Except as provided in subsection  
3 (i) of this Section, a school district may charge a charter  
4 school reasonable rent for the use of the district's  
5 buildings, grounds, and facilities. Any services for which a  
6 charter school contracts with a school district shall be  
7 provided by the district at cost. Any services for which a  
8 charter school contracts with a local school board or with the  
9 governing body of a State college or university or public  
10 community college shall be provided by the public entity at  
11 cost.

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

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

23 (k) If the charter school is approved by the State Board or  
24 Commission, then the charter school is its own local education  
25 agency.

26 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;

1 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.  
2 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
3 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
4 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.  
5 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,  
6 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

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

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.  
17 Beginning on April 16, 2003 (the effective date of Public Act  
18 93-3), in all new applications to establish a charter school  
19 in a city having a population exceeding 500,000, operation of  
20 the charter school shall be limited to one campus. The changes  
21 made to this Section by Public Act 93-3 do not apply to charter  
22 schools existing or approved on or before April 16, 2003 (the  
23 effective date of Public Act 93-3).

24 (b-5) In this subsection (b-5), "virtual-schooling" means  
25 a cyber school where students engage in online curriculum and

1 instruction via the Internet and electronic communication with  
2 their teachers at remote locations and with students  
3 participating at different times.

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

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

26 (c-5) No later than January 1, 2021 (one year after the

1 effective date of Public Act 101-291) or within the first year  
2 of his or her first term, every voting member of a charter  
3 school's board of directors or other governing body shall  
4 complete a minimum of 4 hours of professional development  
5 leadership training to ensure that each member has sufficient  
6 familiarity with the board's or governing body's role and  
7 responsibilities, including financial oversight and  
8 accountability of the school, evaluating the principal's and  
9 school's performance, adherence to the Freedom of Information  
10 Act and the Open Meetings Act, and compliance with education  
11 and labor law. In each subsequent year of his or her term, a  
12 voting member of a charter school's board of directors or  
13 other governing body shall complete a minimum of 2 hours of  
14 professional development training in these same areas. The  
15 training under this subsection may be provided or certified by  
16 a statewide charter school membership association or may be  
17 provided or certified by other qualified providers approved by  
18 the State Board of Education.

19 (d) For purposes of this subsection (d), "non-curricular  
20 health and safety requirement" means any health and safety  
21 requirement created by statute or rule to provide, maintain,  
22 preserve, or safeguard safe or healthful conditions for  
23 students and school personnel or to eliminate, reduce, or  
24 prevent threats to the health and safety of students and  
25 school personnel. "Non-curricular health and safety  
26 requirement" does not include any course of study or

1 specialized instructional requirement for which the State  
2 Board has established goals and learning standards or which is  
3 designed primarily to impart knowledge and skills for students  
4 to master and apply as an outcome of their education.

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

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

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

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

26 (1) Sections 10-21.9 and 34-18.5 of this Code

1 regarding criminal history records checks and checks of  
2 the Statewide Sex Offender Database and Statewide Murderer  
3 and Violent Offender Against Youth Database of applicants  
4 for employment;

5 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
6 34-84a of this Code regarding discipline of students;

7 (3) the Local Governmental and Governmental Employees  
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9 (4) Section 108.75 of the General Not For Profit  
10 Corporation Act of 1986 regarding indemnification of  
11 officers, directors, employees, and agents;

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14 subsection (b) of Section 34-18.6 of this Code;

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

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

19 (9) Section 27-23.7 of this Code regarding bullying  
20 prevention;

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

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

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

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

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



- 1 (15) Section 22-30 of this Code;
- 2 (16) Sections 24-12 and 34-85 of this Code;
- 3 (17) the Seizure Smart School Act;
- 4 (18) Section 2-3.64a-10 of this Code;
- 5 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 6 (20) Section 10-22.25b of this Code;
- 7 (21) Section 27-9.1a of this Code;
- 8 (22) Section 27-9.1b of this Code;
- 9 (23) Section 34-18.8 of this Code;
- 10 (24) Article 26A of this Code; ~~and~~
- 11 (25) Section 2-3.188 of this Code;
- 12 (26) Section 22-85.5 of this Code;
- 13 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 14 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 15 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~
- 16 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 17 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 18 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~;~~
- 19 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~;~~
- 20 (33) Section 2-3.196 of this Code;
- 21 (34) Section 22-95 of this Code;
- 22 (35) Section 34-18.62 of this Code; and
- 23 (36) the Illinois Human Rights Act.

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

26 (h) A charter school may negotiate and contract with a

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

26 (i) In no event shall a charter school that is established

1 by converting an existing school or attendance center to  
2 charter school status be required to pay rent for space that is  
3 deemed available, as negotiated and provided in the charter  
4 agreement, in school district facilities. However, all other  
5 costs for the operation and maintenance of school district  
6 facilities that are used by the charter school shall be  
7 subject to negotiation between the charter school and the  
8 local school board and shall be set forth in the charter.

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

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

14 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;  
15 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.  
16 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
17 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
18 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.  
19 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,  
20 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;  
21 revised 12-13-22.)

22 (105 ILCS 5/34-18.62)

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

25 (a) The school district must create, maintain, and

1 implement an age-appropriate policy on sexual harassment that  
2 must be posted on the school district's website and, if  
3 applicable, any other area where policies, rules, and  
4 standards of conduct are currently posted in each school and  
5 must also be included in the school district's student code of  
6 conduct handbook.

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

18 (c) The school district must establish procedures for  
19 responding to student complaints of discrimination,  
20 harassment, and retaliation based on race, color, or national  
21 origin. These procedures must comply with subsection (b) of  
22 Section 22-95 of the Code.

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

24 Section 15. The Illinois Human Rights Act is amended by  
25 changing Sections 1-102, 5-102.2, 5A-101, 5A-102, and 6-101

1 and by adding Sections 5A-103 and 5A-104 as follows:

2 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

17 (B) Freedom from Sexual Harassment ~~Employment and~~  
18 ~~Elementary, Secondary, and Higher Education.~~ To prevent sexual  
19 harassment in employment, real estate transactions, and ~~and~~  
20 ~~sexual harassment in~~ elementary, secondary, and higher  
21 education.

22 (C) Freedom from Discrimination in Employment ~~Based on~~  
23 ~~Citizenship Status Employment.~~ To prevent discrimination in  
24 employment based on arrest records, conviction records,  
25 language, work authorization status, or citizenship status in

1 ~~employment.~~

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

6 (D) Freedom from Discrimination in ~~Based on Familial~~  
7 ~~Status or Source of Income~~ Real Estate Transactions. To  
8 prevent discrimination in real estate transactions based on  
9 arrest records, familial status, or source of income ~~in real~~  
10 ~~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, public accommodations, and  
6 ~~sexual harassment~~ in elementary, secondary, and higher  
7 education, ~~and discrimination based on citizenship status or~~  
8 ~~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. As used in "educational  
20 environment" includes conduct that occurs at school,  
21 school-related activities, or events, and may include conduct  
22 that occurs off school grounds, subject to applicable state  
23 and federal law.

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

25 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

1           Sec. 5A-102. Civil Rights Violations-Elementary,  
2 Secondary, and Higher Education. It is a civil rights  
3 violation:

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

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

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

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

1 corrective action to stop harassment if the institution  
2 knows that the student or elementary, secondary, or higher  
3 education representative was committing or engaging in or  
4 committed or engaged in harassment in elementary,  
5 secondary, or higher education.

6 Nothing in this Article 5A shall be construed to limit  
7 jurisdiction under Section 5-102.2.

8 (E) Failure to Report. For any school district  
9 established under the School Code or institutions of  
10 elementary or secondary education covered by this Act to  
11 fail to disclose information as required by Section  
12 9-3.164 of the School Code.

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

14 (775 ILCS 5/5A-103 new)

15 Sec. 5A-103. Discrimination and harassment based on race,  
16 color, or national origin.

17 (a) The General Assembly finds that harassment and  
18 discrimination based on race, color, or national origin has a  
19 detrimental influence in schools, contributing to  
20 psychological and physical harm and poorer academic outcomes  
21 for students of color, and higher rates of teacher turnover  
22 among teachers of color. It is the General Assembly's intent  
23 that each institution of elementary and secondary education in  
24 the State adopt and actively implement policies to reduce and  
25 respond effectively to harassment and discrimination based on

1 race, color, or national origin; to provide students, parents  
2 or guardians, and employees information on how to recognize  
3 and report harassment and discrimination; and, for students,  
4 parents or guardians, and employees, to report harassment and  
5 discrimination based on race, color, or national origin  
6 without fear of retaliation, loss of status, or loss of  
7 opportunities.

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

17 (1) a primary focus on preventing discrimination and  
18 harassment based on race, color, or national origin and  
19 retaliation;

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

22 (3) examples of conduct that constitutes  
23 discrimination and harassment based on race, color, or  
24 national origin and retaliation;

25 (4) an explanation, with examples, of how patterns of  
26 conduct can, taken together over time, rise to the level

1 of bullying, harassment, or discrimination;

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

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

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

13 (8) a summary of relevant federal and State statutory  
14 provisions concerning discrimination and harassment based  
15 on race, color, and national origin and retaliation  
16 including remedies available to victims;

17 (9) directions on how to contact the Department if a  
18 school fails to take corrective action to stop harassment  
19 or discrimination;

20 (10) a summary of responsibilities of institutions of  
21 elementary or secondary education in the prevention,  
22 investigation, and correction of discrimination,  
23 harassment, and retaliation; and

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

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

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

24       (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

25       Sec. 6-101. Additional civil rights violations under



1 Articles 2, 4, 5, and 5A. It is a civil rights violation for a  
2 person, or for 2 or more persons, to conspire to:

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

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