



Sen. Laura M. Murphy

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LRB103 05472 RPS 61658 a

1 AMENDMENT TO SENATE BILL 90

2 AMENDMENT NO. _____. Amend Senate Bill 90, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. This Act may be referred to as the Racism-Free
6 Schools Law.

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

9 (5 ILCS 140/7.5)

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

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

1 (b) Library circulation and order records identifying
2 library users with specific materials under the Library
3 Records Confidentiality Act.

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

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

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

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

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

24 (h) Information the disclosure of which is exempted
25 under the State Officials and Employees Ethics Act, and
26 records of any lawfully created State or local inspector

1 general's office that would be exempt if created or
2 obtained by an Executive Inspector General's office under
3 that Act.

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

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

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

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

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

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

1 apply until the conclusion of the trial of the case, even
2 if the prosecution chooses not to pursue the death penalty
3 prior to trial or sentencing.

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

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

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

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

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

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

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

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

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

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

1 (w) Personally identifiable information which is
2 exempted from disclosure under subsection (g) of Section
3 19.1 of the Toll Highway Act.

4 (x) Information which is exempted from disclosure
5 under Section 5-1014.3 of the Counties Code or Section
6 8-11-21 of the Illinois Municipal Code.

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

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

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

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

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

26 (dd) Information that is prohibited from being

1 disclosed under Section 45 of the Condominium and Common
2 Interest Community Ombudsperson Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 July 1, 2023.

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

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

11 (iii) Data exempt from disclosure under Section
12 2-3.196 of the School Code.

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

23 Section 10. The School Code is amended by adding Sections
24 2-3.196 and 22-95 and by changing Sections 27A-5 and 34-18.62
25 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 reported
8 allegations of the conduct described in paragraph (1).
9 Beginning on August 1 of the year after the systems are
10 implemented and for each reporting school year beginning on
11 August 1 and ending on July 31 thereafter, each school
12 district, charter school, and nonpublic, nonsectarian
13 elementary or secondary school shall disclose to the State
14 Board of Education all of the following information:

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

1 (D) discrimination or harassment on the basis of
2 religion;

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

5 (F) retaliation.

6 (2) The status of allegations, as of the last day of
7 the reporting period, in each category under paragraph
8 (1).

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

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

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

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

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

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

26 (f) The State Board of Education may adopt any rules

1 deemed necessary for implementation of this Section.

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

3 (105 ILCS 5/22-95 new)

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

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

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

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

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

25 (B) the school district's, charter school's, or

1 nonpublic, nonsectarian elementary or secondary
2 school's internal process for filing a complaint
3 regarding a violation of the policy described in this
4 subsection, or a reference to that process if
5 described elsewhere in policy;

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

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

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

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

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

23 The policy shall make clear that the policy does not
24 impair or otherwise diminish the rights of unionized
25 employees under federal law, State law, or a collective
26 bargaining agreement to request an exclusive bargaining

1 representative to be present during investigator
2 interviews, nor does the policy diminish any rights
3 available under the applicable negotiated collective
4 bargaining agreement, including, but not limited to, the
5 grievance procedure.

6 (2) The policy described in this subsection shall be
7 posted in a prominent and accessible location and
8 distributed in such a manner as to ensure notice of the
9 policy to all employees. If the school district, charter
10 school, or nonpublic, nonsectarian elementary or secondary
11 school maintains an Internet website or has an employee
12 Intranet, the website or Intranet shall be considered a
13 prominent and accessible location for the purpose of this
14 paragraph (2). Posting and distribution shall be
15 effectuated by the beginning of the 2024-2025 school year
16 and shall occur annually thereafter.

17 (3) The policy described in this subsection shall be
18 published on the school district's, charter school's, or
19 nonpublic, nonsectarian elementary or secondary school's
20 Internet website, if one exists, and in a student
21 handbook, if one exists. A summary of the policy in
22 accessible, age-appropriate language shall be distributed
23 annually to students and to the parents or guardians of
24 minor students. School districts, charter schools, and
25 nonpublic, nonsectarian elementary or secondary schools
26 shall provide a summary of the policy in the parent or

1 guardian's native language. For the annual distribution of
2 the summary, inclusion of the summary in a student
3 handbook is deemed compliant.

4 (c) Each school district, charter school, and nonpublic,
5 nonsectarian elementary or secondary school must establish
6 procedures for responding to complaints of discrimination and
7 harassment based on race, color, or national origin and
8 retaliation. These procedures must comply with subsection (b)
9 of this Section. Based on these procedures, school districts,
10 charter schools, and nonpublic, nonsectarian elementary or
11 secondary schools:

12 (1) shall reduce or remove, to the extent practicable,
13 barriers to reporting discrimination, harassment, and
14 retaliation;

15 (2) shall permit any person who reports or is the
16 victim of an incident of alleged discrimination,
17 harassment, or retaliation to be accompanied when making a
18 report by a support individual of the person's choice who
19 complies with the school district's, charter school's, or
20 nonpublic, nonsectarian elementary or secondary school's
21 policies or rules;

22 (3) shall permit anonymous reporting, except that this
23 paragraph (3) may not be construed to permit formal
24 disciplinary action solely on the basis of an anonymous
25 report;

26 (4) shall offer remedial interventions or take such

1 disciplinary action as may be appropriate on a
2 case-by-case basis;

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

7 (6) may not cause a person who reports or is the victim
8 of an incident of discrimination, harassment, or
9 retaliation to suffer adverse consequences as a result of
10 a report of, an investigation of, or a response to the
11 incident; this protection may not permit victims to engage
12 in retaliation against the offender or limit a school
13 district, charter school, or nonpublic, nonsectarian
14 elementary or secondary school from applying disciplinary
15 measures in response to other acts or conduct not related
16 to the process of reporting, investigating, or responding
17 to a report of an incident of discrimination, harassment,
18 or retaliation.

19 (105 ILCS 5/27A-5)

20 (Text of Section before amendment by P.A. 102-466 and
21 102-702)

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

23 (a) A charter school shall be a public, nonsectarian,
24 nonreligious, non-home based, and non-profit school. A charter
25 school shall be organized and operated as a nonprofit

1 corporation or other discrete, legal, nonprofit entity
2 authorized under the laws of the State of Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
20 34-84a of this Code regarding discipline of students;

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

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

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

- 1 (5.5) subsection (b) of Section 10-23.12 and
- 2 subsection (b) of Section 34-18.6 of this Code;
- 3 (6) the Illinois School Student Records Act;
- 4 (7) Section 10-17a of this Code regarding school
- 5 report cards;
- 6 (8) the P-20 Longitudinal Education Data System Act;
- 7 (9) Section 27-23.7 of this Code regarding bullying
- 8 prevention;
- 9 (10) Section 2-3.162 of this Code regarding student
- 10 discipline reporting;
- 11 (11) Sections 22-80 and 27-8.1 of this Code;
- 12 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 13 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 14 (14) Sections 22-90 and 26-18 of this Code;
- 15 (15) Section 22-30 of this Code;
- 16 (16) Sections 24-12 and 34-85 of this Code;
- 17 (17) the Seizure Smart School Act;
- 18 (18) Section 2-3.64a-10 of this Code;
- 19 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 20 (20) Section 10-22.25b of this Code;
- 21 (21) Section 27-9.1a of this Code;
- 22 (22) Section 27-9.1b of this Code;
- 23 (23) Section 34-18.8 of this Code;
- 24 (25) Section 2-3.188 of this Code;
- 25 (26) Section 22-85.5 of this Code;
- 26 (27) subsections ~~Subsections~~ (d-10), (d-15), and

1 (d-20) of Section 10-20.56 of this Code; ~~and~~
2 (28) Sections 10-20.83 and 34-18.78 of this Code;~~;~~
3 (29) ~~(27)~~ Section 10-20.13 of this Code;
4 (30) ~~(28)~~ Section 28-19.2 of this Code; and
5 (31) ~~(29)~~ Section 34-21.6 of this Code;
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; 102-805, eff. 1-1-23; 102-813,
6 eff. 5-13-22; revised 12-13-22.)

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

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

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

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

25 (b-5) In this subsection (b-5), "virtual-schooling" means

1 a cyber school where students engage in online curriculum and
2 instruction via the Internet and electronic communication with
3 their teachers at remote locations and with students
4 participating at different times.

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

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

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

20 (d) For purposes of this subsection (d), "non-curricular
21 health and safety requirement" means any health and safety
22 requirement created by statute or rule to provide, maintain,
23 preserve, or safeguard safe or healthful conditions for
24 students and school personnel or to eliminate, reduce, or
25 prevent threats to the health and safety of students and
26 school personnel. "Non-curricular health and safety

1 requirement" does not include any course of study or
2 specialized instructional requirement for which the State
3 Board has established goals and learning standards or which is
4 designed primarily to impart knowledge and skills for students
5 to master and apply as an outcome of their education.

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

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

1 instructional materials, and student activities.

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

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

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

6 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
7 34-84a of this Code regarding discipline of students;

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

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

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

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

16 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

- 1 (14) Sections 22-90 and 26-18 of this Code;
2 (15) Section 22-30 of this Code;
3 (16) Sections 24-12 and 34-85 of this Code;
4 (17) the Seizure Smart School Act;
5 (18) Section 2-3.64a-10 of this Code;
6 (19) Sections 10-20.73 and 34-21.9 of this Code;
7 (20) Section 10-22.25b of this Code;
8 (21) Section 27-9.1a of this Code;
9 (22) Section 27-9.1b of this Code;
10 (23) Section 34-18.8 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;
18 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
19 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,
20 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

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

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

23 (a) A charter school shall be a public, nonsectarian,
24 nonreligious, non-home based, and non-profit school. A charter
25 school shall be organized and operated as a nonprofit

1 corporation or other discrete, legal, nonprofit entity
2 authorized under the laws of the State of Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
20 34-84a of this Code regarding discipline of students;

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

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

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

1 (5.5) subsection (b) of Section 10-23.12 and
2 subsection (b) of Section 34-18.6 of this Code;

3 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

17 (17) the Seizure Smart School Act;

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

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

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

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

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

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

24 (24) Article 26A of this Code; ~~and~~

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

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

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

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

14 (h) A charter school may negotiate and contract with a
15 school district, the governing body of a State college or
16 university or public community college, or any other public or
17 for-profit or nonprofit private entity for: (i) the use of a
18 school building and grounds or any other real property or
19 facilities that the charter school desires to use or convert
20 for use as a charter school site, (ii) the operation and
21 maintenance thereof, and (iii) the provision of any service,
22 activity, or undertaking that the charter school is required
23 to perform in order to carry out the terms of its charter.
24 However, a charter school that is established on or after
25 April 16, 2003 (the effective date of Public Act 93-3) and that
26 operates in a city having a population exceeding 500,000 may

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

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

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

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

1 agency.

2 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
3 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
4 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
5 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
6 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
7 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,
8 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;
9 revised 12-13-22.)

10 (105 ILCS 5/34-18.62)

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

13 (a) The school district must create, maintain, and
14 implement an age-appropriate policy on sexual harassment that
15 must be posted on the school district's website and, if
16 applicable, any other area where policies, rules, and
17 standards of conduct are currently posted in each school and
18 must also be included in the school district's student code of
19 conduct handbook.

20 (b) The school district must create, maintain, and
21 implement a policy or policies prohibiting discrimination and
22 harassment against students based on race, color, and national
23 origin and prohibiting retaliation against students. Such
24 policy or policies may be included as part of a broader
25 anti-harassment or anti-discrimination policy provided they

1 are distinguished with an appropriate title, heading, or
2 label. The policy or policies adopted under this subsection
3 (b) must comply with and be distributed in accordance with
4 subsection (b) of Section 22-95 of this Code.

5 (c) The school district must establish procedures for
6 responding to student complaints of discrimination and
7 harassment based on race, color, or national origin, and
8 retaliation. These procedures must comply with subsection (c)
9 of Section 22-95 of this Code.

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

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

14 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

17 (A) Freedom from Unlawful Discrimination. To secure for
18 all individuals within Illinois the freedom from
19 discrimination based on ~~against any individual because of his~~
20 ~~or her~~ race, color, religion, sex, national origin, ancestry,
21 age, order of protection status, marital status, physical or
22 mental disability, military status, sexual orientation,
23 pregnancy, or unfavorable discharge from military service in
24 connection with employment, real estate transactions, access

1 to financial credit, and the availability of public
2 accommodations, including in elementary, secondary, and higher
3 education.

4 (B) Freedom from Sexual Harassment-Employment and
5 Elementary, Secondary, and Higher Education. To prevent sexual
6 harassment in employment and sexual harassment in elementary,
7 secondary, and higher education.

8 (C) Freedom from Discrimination Based on Citizenship
9 Status-Employment. To prevent discrimination based on
10 citizenship status in employment.

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

15 (D) Freedom from Discrimination Based on Familial Status
16 or Source of Income-Real Estate Transactions. To prevent
17 discrimination based on familial status or source of income in
18 real estate transactions.

19 (E) Public Health, Welfare and Safety. To promote the
20 public health, welfare and safety by protecting the interest
21 of all people in Illinois in maintaining personal dignity, in
22 realizing their full productive capacities, and in furthering
23 their interests, rights and privileges as citizens of this
24 State.

25 (F) Implementation of Constitutional Guarantees. To secure
26 and guarantee the rights established by Sections 17, 18 and 19

1 of Article I of the Illinois Constitution of 1970.

2 (G) Equal Opportunity, Affirmative Action. To establish
3 Equal Opportunity and Affirmative Action as the policies of
4 this State in all of its decisions, programs and activities,
5 and to assure that all State departments, boards, commissions
6 and instrumentalities rigorously take affirmative action to
7 provide equality of opportunity and eliminate the effects of
8 past discrimination in the internal affairs of State
9 government and in their relations with the public.

10 (H) Unfounded Charges. To protect citizens of this State
11 against unfounded charges of prohibited ~~unlawful~~
12 ~~discrimination, sexual harassment~~ in employment, real estate
13 transactions, financial credit, and public accommodations,
14 including ~~and sexual harassment~~ in elementary, secondary, and
15 higher education, ~~and discrimination based on citizenship~~
16 ~~status or work authorization status in employment.~~

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

18 (775 ILCS 5/5-102.2)

19 Sec. 5-102.2. Jurisdiction limited. In regard to places of
20 public accommodation defined in paragraph (11) of Section
21 5-101, ~~the jurisdiction under this Article of the Department~~
22 is limited to: (1) the failure to enroll an individual; (2) the
23 denial or refusal of full and equal enjoyment of facilities,
24 goods, or services; or (3) severe or pervasive harassment of
25 an individual when the covered entity fails to take corrective

1 action to stop the severe or pervasive harassment. This
2 limitation on jurisdiction set forth in this Section does not
3 apply to civil rights violations under Article 2, 3, 4, 5A, or
4 6.

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

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

7 Sec. 5A-101. Definitions. The following definitions are
8 applicable strictly in the content of this Article, except
9 that the term "sexual harassment in elementary, secondary, and
10 higher education" as defined herein has the meaning herein
11 ascribed to it whenever that term is used anywhere in this Act.

12 (A) Institution of Elementary, Secondary, or Higher
13 Education. "Institution of elementary, secondary, or higher
14 education" means: (1) a publicly or privately operated
15 university, college, community college, junior college,
16 business or vocational school, or other educational
17 institution offering degrees and instruction beyond the
18 secondary school level; or (2) a publicly or privately
19 operated elementary school or secondary school.

20 (B) Degree. "Degree" means: (1) a designation,
21 appellation, series of letters or words or other symbols which
22 signifies or purports to signify that the recipient thereof
23 has satisfactorily completed an organized academic, business
24 or vocational program of study offered beyond the secondary
25 school level; or (2) a designation signifying that the

1 recipient has graduated from an elementary school or secondary
2 school.

3 (C) Student. "Student" means any individual admitted to or
4 applying for admission to an institution of elementary,
5 secondary, or higher education, or enrolled on a full or part
6 time basis in a course or program of academic, business or
7 vocational instruction offered by or through an institution of
8 elementary, secondary, or higher education.

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

25 (E) Sexual Harassment in Elementary, Secondary, and Higher
26 Education. "Sexual harassment in elementary, secondary, and

1 higher education" means any unwelcome sexual advances or
2 requests for sexual favors made by an elementary, secondary,
3 or higher education representative to a student, or any
4 conduct of a sexual nature exhibited by an elementary,
5 secondary, or higher education representative toward a
6 student, when such conduct has the purpose of substantially
7 interfering with the student's educational performance or
8 creating an intimidating, hostile or offensive educational
9 environment; or when the elementary, secondary, or higher
10 education representative either explicitly or implicitly makes
11 the student's submission to such conduct a term or condition
12 of, or uses the student's submission to or rejection of such
13 conduct as a basis for determining:

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

16 (2) The educational performance required or expected
17 of the student;

18 (3) The attendance or assignment requirements
19 applicable to the student;

20 (4) To what courses, fields of study or programs,
21 including honors and graduate programs, the student will
22 be admitted;

23 (5) What placement or course proficiency requirements
24 are applicable to the student;

25 (6) The quality of instruction the student will
26 receive;

1 (7) What tuition or fee requirements are applicable to
2 the student;

3 (8) What scholarship opportunities are available to
4 the student;

5 (9) What extracurricular teams the student will be a
6 member of or in what extracurricular competitions the
7 student will participate;

8 (10) Any grade the student will receive in any
9 examination or in any course or program of instruction in
10 which the student is enrolled;

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

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

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

1 (G) Educational Environment. "Educational environment"
2 includes conduct that occurs at school, school-related
3 activities, or events, and may include conduct that occurs off
4 school grounds, subject to applicable State and federal law.

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

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

7 Sec. 5A-102. Civil Rights Violations-Elementary,
8 Secondary, and Higher Education. It is a civil rights
9 violation:

10 (A) Sexual Harassment; Elementary ~~Elementary~~,
11 Secondary, or Higher Education Representative. For any
12 elementary, secondary, or higher education representative
13 to commit or engage in sexual harassment in elementary,
14 secondary, or higher education.

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

1 (C) Harassment; Elementary, Secondary, or Higher
2 Education Representative. For any elementary, secondary,
3 or higher education representative to commit or engage in
4 harassment in elementary, secondary, or higher education.

5 (D) Harassment; Institution of Elementary, Secondary,
6 or Higher Education. For any institution of elementary,
7 secondary, or higher education to fail to take appropriate
8 corrective action to stop harassment if the institution
9 knows that an elementary, secondary, or higher education
10 representative was committing or engaging in or committed
11 or engaged in harassment in elementary, secondary, or
12 higher education.

13 (E) Failure to Report. For any school district
14 established under the School Code or institutions of
15 elementary or secondary education covered by this Act to
16 fail to disclose information as required by Section
17 2-3.196 of the School Code.

18 (F) Exemptions. Nothing in Article 5A shall be
19 construed to limit jurisdiction under Section 5-102.2.
20 Subsections (C), (D), and (E) shall apply solely to
21 nonsectarian institutions of elementary, secondary or
22 higher education and elementary, secondary, or higher
23 education representatives employed by such nonsectarian
24 institutions.

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

1 (775 ILCS 5/5A-103 new)

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

4 (a) The General Assembly finds that harassment and
5 discrimination based on race, color, or national origin has a
6 detrimental influence in schools, contributing to
7 psychological and physical harm and poorer academic outcomes
8 for students of color, and higher rates of teacher turnover
9 among teachers of color. It is the General Assembly's intent
10 that each institution of elementary and secondary education in
11 the State adopt and actively implement policies to reduce and
12 respond effectively to harassment and discrimination based on
13 race, color, or national origin; to provide students, parents
14 or guardians, and employees information on how to recognize
15 and report harassment and discrimination; and, for students,
16 parents or guardians, and employees, to report harassment and
17 discrimination based on race, color, or national origin
18 without fear of retaliation, loss of status, or loss of
19 opportunities.

20 (b) The Department shall produce a model training program
21 aimed at the prevention of discrimination and harassment based
22 on race, color, and national origin in institutions of
23 elementary and secondary education. The model program shall be
24 made available to institutions of elementary and secondary
25 education and to the public online at no cost. This model
26 program shall regard participants as potential bystanders,

1 rather than potential offenders, and include, at a minimum,
2 the following:

3 (1) a primary focus on preventing discrimination and
4 harassment based on race, color, or national origin and
5 retaliation;

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

8 (3) examples of conduct that constitutes
9 discrimination and harassment based on race, color, or
10 national origin and retaliation;

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

14 (5) an explanation of the difference between
15 discrimination based on disparate treatment and
16 discrimination based on disparate impact;

17 (6) a summary of other classes that are protected from
18 harassment and discrimination, and a statement that
19 training intended to improve recognition of discrimination
20 and harassment based on race, color, and national origin
21 does not diminish protections under the law for other
22 protected classes;

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

25 (8) a summary of relevant federal and State statutory
26 protections and remedies available to victims concerning

1 discrimination and harassment based on race, color, and
2 national origin, and retaliation, including, but not
3 limited to, a summary of this Act's protections from
4 discrimination, harassment and retaliation in the
5 following contexts:

6 (a) students toward other students;

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

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

11 (d) teachers and other employees of an elementary
12 or secondary school toward other teachers and
13 employees of an elementary or secondary school.

14 (9) directions on how to contact the Department if a
15 school fails to take corrective action to stop the
16 harassment or discrimination;

17 (10) a summary of responsibilities of institutions of
18 elementary or secondary education in the prevention,
19 investigation, and corrective measures of discrimination,
20 harassment, and retaliation, including, but not limited
21 to, explanation of responsibilities in the following
22 contexts:

23 (a) students toward other students;

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

26 (c) students toward teachers and other employees

1 of an elementary or secondary school; and

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

5 (11) an explanation of the liability for
6 discrimination, harassment, and retaliation under this
7 Act.

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

23 (d) Upon notification of a violation of subsection (c),
24 the Department may launch a preliminary investigation. If the
25 Department finds a violation of this Section, the Department
26 may issue a notice to show cause, giving the institution of

1 elementary or secondary education 30 days to correct the
2 violation. If the institution of elementary or secondary
3 education does not correct the violation within 30 days, the
4 Department may initiate a charge of a civil rights violation.

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

6 Sec. 6-101. Additional civil rights violations under
7 Articles 2, 4, 5, ~~and 5A,~~ and 6. It is a civil rights violation
8 for a person, or for 2 or more persons, to conspire to:

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

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

20 (ii) made a charge, filed a complaint, testified,
21 assisted, or participated in an investigation,
22 proceeding, or hearing under this Act; ~~or, or because~~
23 ~~he or she has~~

24 (iii) requested, attempted to request, used, or
25 attempted to use a reasonable accommodation as allowed

1 by this Act;

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

4 (C) Interference. Wilfully interfere with the
5 performance of a duty or the exercise of a power by the
6 Commission or one of its members or representatives or the
7 Department or one of its officers or employees.

8 ~~Definitions. For the purposes of this Section, "sexual~~
9 ~~harassment", "citizenship status", and "work authorization~~
10 ~~status" shall have the same meaning as defined in Section~~
11 ~~2-101 of this Act.~~

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

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

21 Section 99. Effective date. This Act takes effect August
22 1, 2024."