

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Data Governance and Organization to Support Equity and Racial Justice Act is amended by changing Section 20-15 as follows:

(20 ILCS 65/20-15)

Sec. 20-15. Data Governance and Organization to Support Equity and Racial Justice.

(a) On or before July 1, 2022 and each July 1 thereafter, the Board and the Department shall report statistical data on the racial, ethnic, age, sex, disability status, sexual orientation, gender identity, and primary or preferred language demographics of program participants for each major program administered by the Board or the Department, except as provided in subsection (a-5). Except as provided in subsection

(b), when reporting the data required under this Section, the Board or the Department shall use the same racial and ethnic classifications for each program, which shall include, but not be limited to, the following:

- (1) American Indian and Alaska Native alone.
- (2) Asian alone.
- (3) Black or African American alone.

- (4) Hispanic or Latino of any race.
- (5) Native Hawaiian and Other Pacific Islander alone.
- (6) White alone.
- (7) Some other race alone.
- (8) Two or more races.

The Board and the Department may further define, by rule, the racial and ethnic classifications, including, if necessary, a classification of "No Race Specified".

(a-5) In relation to major program participants, the Board shall not be required to collect personally identifiable information and report statistical data on the categories of sex, sexual orientation, and gender identity unless required for federal reporting. The Board shall make available reports on its Internet website, posted where other mandated reports are posted, of statistical data on sex, sexual orientation, and gender identity demographics through anonymous surveys or other methods as age and developmentally appropriate.

(b) ~~(e)~~ If a program administered by the Board or the Department is subject to federal reporting requirements that include the collection and public reporting of statistical data on the racial and ethnic demographics of program participants, the Department may maintain the same racial and ethnic classifications used under the federal requirements if such classifications differ from the classifications listed in subsection (a).

(c) ~~(d)~~ The Department of Innovation and Technology shall

assist the Board and the Department by establishing common technological processes and procedures for the Board and the Department to:

- (1) Catalog data.
- (2) Identify similar fields in datasets.
- (3) Manage data requests.
- (4) Share data.
- (5) Collect data.
- (6) Improve and clean data.
- (7) Match data across the Board and Departments.
- (8) Develop research and analytic agendas.
- (9) Report on program participation disaggregated by race and ethnicity.
- (10) Evaluate equitable outcomes for underserved populations in Illinois.
- (11) Define common roles for data management.
- (12) Ensure that all major programs can report disaggregated data by race, ethnicity, age, sex, disability status, sexual orientation, and gender identity, and primary or preferred language.

The Board and the Department shall use the common technological processes and procedures established by the Department of Innovation and Technology.

(d) ~~(e)~~ If the Board or the Department is unable to begin reporting the data required by subsection (a) by July 1, 2022, the Board or the Department shall state the reasons for the

delay under the reporting requirements.

(e) ~~(f)~~ By no later than March 31, 2022, the Board and the Department shall provide a progress report to the General Assembly to disclose: (i) the programs and datasets that have been cataloged for which race, ethnicity, age, sex, disability status, sexual orientation, gender identity, and primary or preferred language have been standardized; and (ii) to the extent possible, the datasets and programs that are outstanding for each agency and the datasets that are planned for the upcoming year. On or before March 31, 2023, and each year thereafter, the Board and the Department ~~Departments~~ shall provide an updated report to the General Assembly.

(f) ~~(g)~~ By no later than October 31, 2021, the Governor's Office shall provide a plan to establish processes for input from the Board and the Department into processes outlined in subsection (c) ~~(b)~~. The plan shall incorporate ongoing efforts at data interoperability within the Department and the governance established to support the P-20 Longitudinal Education Data System enacted by Public Act 96-107.

(g) ~~(h)~~ Nothing in this Section shall be construed to limit the rights granted to individuals or data sharing protections established under existing State and federal data privacy and security laws.

(Source: P.A. 101-654, eff. 3-8-21; 102-543, eff. 8-20-21; revised 2-4-23.)

Section 10. The School Code is amended by changing Sections 2-3.25a, 2-3.25b, 2-3.25c, 2-3.25d-5, 2-3.25f, 2-3.25f-5, 2-3.130, 2-3.195, 10-22.21b, 14-7.02, 18-8.15, 22-30, 27-23.1, 27A-3, 27A-4, 27A-5, 27A-6, 27A-7, 27A-7.5, 27A-7.10, 27A-9, 27A-10, 27A-10.5, 27A-10.10, 27A-11, 27A-11.5, 27A-12, 27A-13, 34-18.20, and 34-18.61 as follows:

(105 ILCS 5/2-3.25a) (from Ch. 122, par. 2-3.25a)

Sec. 2-3.25a. "School district" defined; additional standards.

(a) For the purposes of State accountability in this Section and Sections 3.25b, 3.25c, 3.25e, and 3.25f of this Code, "school district" includes other public entities responsible for administering public schools, such as cooperatives, joint agreements, charter schools, special charter districts, regional offices of education, local agencies, and the Department of Human Services.

(b) In addition to the standards established pursuant to Section 2-3.25, the State Board of Education shall develop ~~recognition~~ standards for student performance, such as proficiency levels on State assessments, and school improvement, such as annual summative designations, for all school districts and their individual schools. The State Board of Education is prohibited from having separate performance standards for students based on race or ethnicity.

The accountability system that produces the school

improvement designations ~~measure~~ shall be outlined in the State Plan that the State Board of Education submits to the federal Department of Education pursuant to the federal Every Student Succeeds Act. If the federal Every Student Succeeds Act ceases to require a State Plan, the State Board of Education shall develop a written plan in consultation with the Balanced Accountability Committee created under subsection (b-5) of this Section.

(b-5) The Balanced Accountability Measure Committee is created and shall consist of the following individuals: a representative of a statewide association representing regional superintendents of schools, a representative of a statewide association representing principals, a representative of an association representing principals in a city having a population exceeding 500,000, a representative of a statewide association representing school administrators, a representative of a statewide professional teachers' organization, a representative of a different statewide professional teachers' organization, an additional representative from either statewide professional teachers' organization, a representative of a professional teachers' organization in a city having a population exceeding 500,000, a representative of a statewide association representing school boards, and a representative of a school district organized under Article 34 of this Code. The head of each association or entity listed in this paragraph shall appoint

its respective representative. The State Superintendent of Education, in consultation with the Committee, may appoint no more than 2 additional individuals to the Committee, which individuals shall serve in an advisory role and must not have voting or other decision-making rights.

The Balanced Accountability Measure Committee shall meet no less than 4 times per year to discuss the accountability system ~~standards~~ set forth in the State Plan pursuant to the federal Every Student Succeeds Act and to provide stakeholder feedback and recommendations to the State Board of Education with regard to the State Plan, which the State Board shall take into consideration. On or before ~~Upon~~ completion of the 2019-2020 school year and no less than once every 3 years thereafter, the Balanced Accountability Measure Committee shall assess the implementation of the State Plan and, if necessary, make recommendations to the State Board for any changes. The Committee shall consider accountability recommendations made by the Illinois P-20 Council established under Section 22-45 of this Code, the Illinois Early Learning Council created under the Illinois Early Learning Council Act, and any other stakeholder group established by the State Board in relation to the federal Every Student Succeeds Act. The State Board shall provide to the Committee an annual report with data and other information collected from entities identified by the State Board as learning partners, including, but not limited to, data and information on the learning

partners' effectiveness, geographic distribution, and cost to serve as part of a comprehensive statewide system of support.

The State Board of Education, in collaboration with the Balanced Accountability Measure Committee set forth in this subsection (b-5), shall adopt rules that further implementation in accordance with the requirements of this Section.

(Source: P.A. 99-84, eff. 1-1-16; 99-193, eff. 7-30-15; 99-642, eff. 7-28-16; 99-657, eff. 7-28-16; 100-1046, eff. 8-23-18.)

(105 ILCS 5/2-3.25b) (from Ch. 122, par. 2-3.25b)

Sec. 2-3.25b. Recognition levels and annual summative designations. The State Board of Education shall, consistent with adopted recognition standards, provide for levels of recognition or nonrecognition. The State Board of Education shall promulgate rules governing the procedures whereby school districts may appeal a recognition level.

The State Board of Education shall have the authority to collect from schools and school districts the information, data, test results, student performance and school improvement indicators as may be necessary to implement and carry out the purposes of this Act and to implement and carry out the issuance of school improvement designations via the accountability system identified in Section 2-3.25a of this Code. Schools and school districts that fail to submit

accurate data within the State Board of Education's timeframes may have federal funds withheld.

(Source: P.A. 96-734, eff. 8-25-09.)

(105 ILCS 5/2-3.25c) (from Ch. 122, par. 2-3.25c)

Sec. 2-3.25c. Rewards. The State Board of Education shall implement a system of rewards for school districts, and the schools themselves, through a process that recognizes schools in improvement status that are (i) high-poverty, high-performing schools that are closing achievement gaps or are ~~and~~ excelling in academic achievement; (ii) schools that have sustained high performance servng identified student groups; (iii) schools that have substantial growth ~~performance~~ over the 3 years immediately preceding the year in which recognition is awarded; and (iv) schools that have demonstrated the most progress in improving student outcomes of student groups identified for Targeted, Comprehensive, or Intensive School Improvement, ~~in comparison to schools statewide, in closing the achievement gap among various subgroups of students in the 3 years immediately preceding the year in which recognition is awarded.~~

(Source: P.A. 99-193, eff. 7-30-15.)

(105 ILCS 5/2-3.25d-5)

Sec. 2-3.25d-5. Targeted, Comprehensive, and Intensive schools ~~Priority and focus districts.~~

(a) Beginning in 2018 ~~2015~~, a school ~~school districts~~ designated as "Comprehensive" ~~priority districts~~ shall be those that have one or more ~~priority schools~~. ~~"Priority school"~~ is defined as:

(1) a school that is among the lowest performing 5% of schools in this State based on the multi-measures accountability system defined in the State Plan ~~a 3-year average~~, with respect to the performance of the "all students" group ~~for the percentage of students deemed proficient in English/language arts and mathematics combined, and demonstrates a lack of progress as defined by the State Board of Education;~~

(2) any high school with a graduation rate of less than 67% ~~a beginning secondary school that has an average graduation rate of less than 60% over the last 3 school years; or~~

(2.5) any school that has completed a full 4-year cycle of Targeted School Improvement but remains identified for Targeted Support for one or more of the same student groups originally identified for Targeted Support; or

(3) (blank). ~~a school receiving a school improvement grant under Section 1003(g) of the federal Elementary and Secondary Education Act of 1965.~~

The State Board of Education shall work with districts with one or more schools in Comprehensive School Improvement

Status a ~~priority district~~ to perform a ~~district~~ needs assessment to determine the district's core functions that are areas of strength and weakness, ~~unless the district is already undergoing a national accreditation process.~~ The results from the ~~district~~ needs assessment shall be used by the district and school to identify goals and objectives for ~~the district's~~ improvement. The ~~district~~ needs assessment shall include at a minimum, a review of the following areas: student performance on State assessments; student performance on local assessments; finances, including resource allocation reviews; a study of district functions, such as district finance, governance, including effectiveness of school leadership; student engagement opportunities and access to those opportunities; instructional, instruction practices; standards-aligned curriculum; school climate, and culture survey results; family and community engagement; reflective stakeholder engagement; involvement, and continuous school improvement practices; educator and employee quality, including staff continuity and turnover rates; and alignment of professional development to continuous improvement efforts.

(b) Beginning in 2018, a school ~~2015, districts~~ designated as "Targeted" ~~focus districts~~ shall be ~~those that have one or more focus schools.~~ "~~Focus school~~" means a school that is ~~contributing to the achievement gaps in this State and is defined as~~ a school in which one or more student groups is performing at or below the level of the "all students" group of

schools designated Comprehensive, as defined in paragraph (1) of subsection (a) of this Section.†

~~(1) a school that has one or more subgroups in which the average student performance is at or below the State average for the lowest 10% of student performance in that subgroup; or~~

~~(2) a school with an average graduation rate of less than 60% and not identified for priority.~~

(c) Beginning in 2023, a school designated as "Intensive" shall be defined as a school that has completed a full 4-year cycle of Comprehensive School Improvement but does not meet the criteria to exit that status, as defined in the State Plan referenced in subsection (b) of Section 2-3.25a of this Code, at the end of the cycle.

(d) All schools in school improvement status, including Comprehensive, Targeted, and Intensive schools, must complete a school-level needs assessment and develop and implement a continuous improvement plan.

(Source: P.A. 99-193, eff. 7-30-15.)

(105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

Sec. 2-3.25f. State interventions.

(a) The State Board of Education shall provide technical assistance to schools in school improvement status to assist with the development and implementation of ~~School and District~~ Improvement Plans.

Schools or school districts that fail to make reasonable efforts to implement an approved Improvement Plan may suffer loss of State funds by school district, attendance center, or program as the State Board of Education deems appropriate.

(a-5) (Blank).

(b) Schools that receive Targeted Support or Comprehensive Support designations shall enter a 4-year cycle of school improvement status. If, at the end of the 4-year cycle, the school fails to meet the exit criteria specified in the State Plan referenced in subsection (b) of Section 2-3.25a of this Code, the school shall escalate to a more intensive intervention. Targeted Support schools that remain Targeted for one or more of the same student groups as in the initial identification after completion of a 4-year cycle of Targeted School Improvement shall be redesignated as Comprehensive Support schools, as provided in paragraph (2.5) of subsection (a) of Section 2-3.25d-5 of this Code. Comprehensive Support schools that remain in the lowest-performing 5% after completion of a 4-year cycle of Comprehensive School Improvement shall be redesignated as Intensive Support schools and shall escalate through more rigorous, tiered support, developed in consultation with the Balanced Accountability Measure Committee and other relevant stakeholder groups, which may ultimately result in the ~~Beginning in 2017, if, after 3 years following its identification as a priority district under Section 2-3.25d-5 of this Code, a district does not make~~

~~progress as measured by a reduction in achievement gaps commensurate with the targets in this State's approved accountability plan with the U.S. Department of Education, then the State Board of Education may~~ (i) change of the recognition status of the school district or school to nonrecognized or (ii) authorization for ~~authorize~~ the State Superintendent of Education to direct the reassignment of pupils or direct the reassignment or replacement of school or school district personnel. If a school district is nonrecognized in its entirety, for any reason, including those not related to performance in the accountability system, it shall automatically be dissolved on July 1 following that nonrecognition and its territory realigned with another school district or districts by the regional board of school trustees in accordance with the procedures set forth in Section 7-11 of the School Code. The effective date of the nonrecognition of a school shall be July 1 following the nonrecognition.

(b-5) The State Board of Education shall also develop a system to provide assistance and resources to lower performing school districts. At a minimum, the State Board shall identify school districts to receive Intensive, Comprehensive, and Targeted Support ~~priority services, to be known as priority districts under Section 2-3.25d-5 of this Code.~~ The school district shall provide the exclusive bargaining representative with a 5-day notice that the district has had one or more schools within the district identified as being in

Comprehensive or Intensive School Improvement Status ~~been identified as a priority district.~~ In addition, the State Board may, by rule, develop other categories of low-performing schools and school districts to receive services.

The State Board of Education shall work with districts with one or more schools in Comprehensive or Intensive School Improvement Status, through technical assistance and professional development, based ~~Based~~ on the results of the ~~district~~ needs assessment under Section 2-3.25d-5 of this Code, ~~the State Board of Education shall work with the district to provide technical assistance and professional development, in partnership with the district,~~ to develop and implement a continuous improvement plan that would increase outcomes for students. The plan for continuous improvement shall be based on the results of the ~~district~~ needs assessment and shall be used to determine the types of services that are to be provided to each Comprehensive and Intensive School ~~priority district.~~ Potential services ~~for a district~~ may include, but are not limited to, monitoring adult and student practices, reviewing and reallocating district resources, developing a district and school leadership team, providing access to curricular content area specialists, and providing online resources and professional development.

The State Board of Education may require ~~priority~~ districts with one or more Comprehensive or Intensive Schools identified as having deficiencies in one or more core

functions of the ~~district~~ needs assessment to undergo an accreditation process ~~as provided in subsection (d) of Section 2-3.25f-5 of this Code.~~

(c) All federal requirements apply to schools and school districts utilizing federal funds under Title I, Part A of the federal Elementary and Secondary Education Act of 1965.

(Source: P.A. 98-1155, eff. 1-9-15; 99-193, eff. 7-30-15; 99-203, eff. 7-30-15; 99-642, eff. 7-28-16.)

(105 ILCS 5/2-3.25f-5)

Sec. 2-3.25f-5. Independent Authority.

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

(1) A fundamental goal of the people of this State, as expressed in Section 1 of Article X of the Illinois Constitution, is the educational development of all persons to the limits of their capacities. When a school board faces governance difficulties, continued operation of the public school system is threatened.

(2) Sound school board governance, academic achievement, and sound financial structure are essential to the continued operation of any school system. It is vital to commercial, educational, and cultural interests that public schools remain in operation. To achieve that goal, public school systems must have effective leadership.

(3) To promote the sound operation of districts, as

defined in this Section, it may be necessary to provide for the creation of independent authorities with the powers necessary to promote sound governance, sound academic planning, and sound financial management and to ensure the continued operation of the public schools.

(4) It is the purpose of this Section to provide for a sound basis for the continued operation of public schools. The intention of the General Assembly, in creating this Section, is to establish procedures, provide powers, and impose restrictions to ensure the educational integrity of public school districts.

(b) As used in this Section:

"Board" means a school board of a district.

"Chairperson" means the Chairperson of the Independent Authority.

"District" means any school district having a population of not more than 500,000.

"State Board" means the State Board of Education.

"State Superintendent" means the State Superintendent of Education.

(c) The State Board has the power to direct the State Superintendent to remove a board. Boards may be removed when the criteria provided for in subsection (d) of this Section are met. At no one time may the State Board remove more than 4 school boards and establish Independent Authorities pursuant to subsection (e) of this Section.

If the State Board proposes to direct the State Superintendent to remove a board from a district, board members shall receive individual written notice of the intended removal. Written notice must be provided at least 30 calendar days before a hearing is held by the State Board. This notice shall identify the basis for proposed removal.

Board members are entitled to a hearing, during which time each board member shall have the opportunity to respond individually, both orally and through written comments, to the basis laid out in the notice. Written comments must be submitted to the State Board on or before the hearing.

Board members are entitled to be represented by counsel at the hearing, but counsel must not be paid with district funds, unless the State Board decides that the board will not be removed and then the board members may be reimbursed for all reasonable attorney's fees by the district.

The State Board shall make a final decision on removal immediately following the hearing or at its next regularly scheduled or special meeting. In no event may the decision be made later than the next regularly scheduled meeting.

The State Board shall issue a final written decision. If the State Board directs the State Superintendent to remove the board, the State Superintendent shall do so within 30 days after the written decision. Following the removal of the board, the State Superintendent shall establish an Independent Authority pursuant to subsection (e) of this Section.

If there is a financial oversight panel operating in the district pursuant to Article 1B or 1H of this Code, the State Board may, at its discretion, abolish the panel.

(d) The State Board may require ~~priority~~ districts with one or more schools in Intensive Support status that have been identified as having deficiencies in one or more core functions of the needs assessment, as described ~~defined~~ in subsection (b-5) of Section 2-3.25f of this Code, to seek accreditation through an independent accreditation organization chosen by the State Board and paid for by the State. The State Board may direct the State Superintendent to remove board members pursuant to subsection (c) of this Section in any district in which the district is unable to obtain accreditation in whole or in part due to reasons specifically related to school board governance. When determining if a district has failed to meet the standards for accreditation specifically related to school board governance, the accreditation entity shall take into account the overall academic, fiscal, and operational condition of the district and consider whether the board has failed to protect district assets, to direct sound administrative and academic policy, to abide by basic governance principles, including those set forth in district policies, and to conduct itself with professionalism and care and in a legally, ethically, and financially responsible manner. When considering if a board has failed in these areas, the accreditation entity shall

consider some or all of the following factors:

(1) Failure to protect district assets by, without limitation, incidents of fiscal fraud or misappropriation of district funds; acts of neglecting the district's building conditions; a failure to meet regularly scheduled, payroll-period obligations when due; a failure to abide by competitive bidding laws; a failure to prevent an audit finding of material internal control weaknesses; a failure to comply with required accounting principles; a failure to develop and implement a comprehensive, risk-management plan; a failure to provide financial information or cooperate with the State Superintendent; or a failure to file an annual financial report, an annual budget, a deficit reduction plan, or other financial information as required by law.

(2) Failure to direct sound administrative and academic policy by, without limitation, hiring staff who do not meet minimal certification requirements for the positions being filled or who do not meet the customary qualifications held by those occupying similar positions in other school districts; a failure to avoid conflicts of interest as it relates to hiring or other contractual obligations; a failure to provide minimum graduation requirements and curricular requirements of the School Code and regulations; a failure to provide a minimum school term as required by law; or a failure to adopt and

implement policies and practices that promote conditions that support student learning, effective instruction, and assessment that produce equitable and challenging learning experiences for all students.

(3) Failure to abide by basic governance principles by, without limitation, a failure to comply with the mandated oath of office; a failure to adopt and abide by sound local governance policies; a failure to abide by the principle that official action by the board occurs only through a duly-called and legally conducted meeting of the board; a failure to abide by majority decisions of the board; a failure to protect the privacy of students; a failure to ensure that board decisions and actions are in accordance with defined roles and responsibilities; or a failure of the board to protect, support, and respect the autonomy of a system to accomplish goals for improvement in student learning and instruction and to manage day-to-day operations of the school system and its schools, including maintaining the distinction between the board's roles and responsibilities and those of administrative leadership.

(4) Failure to conduct itself in a legally, ethically, and financially responsible manner by, without limitation, a failure to act in accordance with the Constitution of the United States of America and the Constitution of the State of Illinois and within the scope of State and

federal laws; laws, including a failure to comply with provisions of the School Code, the Open Meetings Act, and the Freedom of Information Act and federal and State laws that protect the rights of protected categories of students; a failure to comply with all district policies and procedures and all State rules; or a failure to comply with the governmental entities provisions of the State Officials and Employees Ethics Act, including the gift ban and prohibited political activities provisions.

(e) Upon removal of the board, the State Superintendent shall establish an Independent Authority. Upon establishment of an Independent Authority, there is established a body both corporate and politic to be known as the "(Name of the School District) Independent Authority", which in this name shall exercise all of the authority vested in an Independent Authority by this Section and by the name may sue and be sued in all courts and places where judicial proceedings are had.

(f) Upon establishment of an Independent Authority under subsection (e) of this Section, the State Superintendent shall, within 30 working days thereafter and in consultation with State and locally elected officials, appoint 5 or 7 members to serve on an Independent Authority for the district. Members appointed to the Independent Authority shall serve at the pleasure of the State Superintendent. The State Superintendent shall designate one of the members of the Independent Authority to serve as its chairperson. In the

event of vacancy or resignation, the State Superintendent shall, within 15 working days after receiving notice, appoint a successor to serve out that member's term. If the State Board has abolished a financial oversight panel pursuant to subsection (c) of this Section, the State Superintendent may appoint former members of the panel to the Independent Authority. These members may serve as part of the 5 or 7 members or may be appointed in addition to the 5 or 7 members, with the Independent Authority not to exceed 9 members in total.

Members of the Independent Authority must be selected primarily on the basis of their experience and knowledge in education policy and governance, with consideration given to persons knowledgeable in the operation of a school district. A member of the Independent Authority must be a registered voter as provided in the general election law, must not be a school trustee, and must not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 2012. A majority of the members of the Independent Authority must be residents of the district that the Independent Authority serves. A member of the Independent Authority may not be an employee of the district, nor may a member have a direct financial interest in the district.

Independent Authority members may be reimbursed by the district for travel if they live more than 25 miles away from the district's headquarters and other necessary expenses

incurred in the performance of their official duties. The amount reimbursed members for their expenses must be charged to the school district.

With the exception of the Chairperson, the Independent Authority may elect such officers as it deems appropriate.

The first meeting of the Independent Authority must be held at the call of the Chairperson. The Independent Authority shall prescribe the times and places for its meetings and the manner in which regular and special meetings may be called and shall comply with the Open Meetings Act.

All Independent Authority members must complete the training required of school board members under Section 10-16a of this Code.

(g) The purpose of the Independent Authority is to operate the district. The Independent Authority shall have all of the powers and duties of a board and all other powers necessary to meet its responsibilities and to carry out its purpose and the purposes of this Section and that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the Independent Authority. This grant of powers does not release an Independent Authority from any duty imposed upon it by this Code or any other law.

The Independent Authority shall have no power to unilaterally cancel or modify any collective bargaining agreement in force upon the date of creation of the

Independent Authority.

(h) The Independent Authority may prepare and file with the State Superintendent a proposal for emergency financial assistance for the school district and for the operations budget of the Independent Authority, in accordance with Section 1B-8 of this Code. A district may receive both a loan and a grant.

(i) An election for board members must not be held in a district upon the establishment of an Independent Authority and is suspended until the next regularly scheduled school board election that takes place no less than 2 years following the establishment of the Independent Authority. For this first election, 3 school board members must be elected to serve out terms of 4 years and until successors are elected and have qualified. Members of the Independent Authority are eligible to run for election in the district, provided that they meet all other eligibility requirements of Section 10-10 of this Code. Following this election, the school board shall consist of the newly elected members and any remaining members of the Independent Authority. The majority of this board must be residents of the district. The State Superintendent must appoint new members who are residents to the Independent Authority if necessary to maintain this majority. At the next school board election, 4 school board members must be elected to serve out terms of 4 years and until successors are elected and have qualified. For purposes of these first 2 elections,

the school board members must be elected at-large. In districts where board members were previously elected using an alternative format pursuant to Article 9 of this Code, following these first 2 elections, the voting shall automatically revert back to the original form. Following the election, any remaining Independent Authority members shall serve in the district as an oversight panel until such time as the district meets the governance standards necessary to achieve accreditation. If some or all of the Independent Authority members have been elected to the board, the State Superintendent may, in his or her discretion, appoint new members to the Independent Authority pursuant to subsection (f) of this Section. The school board shall get approval of all actions by the Independent Authority during the time the Independent Authority serves as an oversight panel.

Board members who were removed pursuant to subsection (c) of this Section are ineligible to run for school board in the district for 10 years following the abolition of the Independent Authority pursuant to subsection (1) of this Section. However, board members who were removed pursuant to subsection (c) of this Section and were appointed to the Independent Authority by the State Superintendent are eligible to run for school board in the district.

(j) The Independent Authority, upon its members taking office and annually thereafter and upon request, shall prepare and submit to the State Superintendent a report on the state of

the district, including without limitation the academic improvement and financial situation of the district. This report must be submitted annually on or before March 1 of each year. The State Superintendent shall provide copies of any and all reports to the regional office of education for the district and to the State Senator and Representative representing the area where the district is located.

(k) The district shall render such services to and permit the use of its facilities and resources by the Independent Authority at no charge as may be requested by the Independent Authority. Any State agency, unit of local government, or school district may, within its lawful powers and duties, render such services to the Independent Authority as may be requested by the Independent Authority.

(l) An Independent Authority must be abolished when the district, following the election of the full board, meets the governance standards necessary to achieve accreditation status by an independent accreditation agency chosen by the State Board. The abolition of the Independent Authority shall be done by the State Board and take place within 30 days after the determination of the accreditation agency.

Upon abolition of the Independent Authority, all powers and duties allowed by this Code to be exercised by a school board shall be transferred to the elected school board.

(m) The Independent Authority must be indemnified through insurance purchased by the district. The district shall

purchase insurance through which the Independent Authority is to be indemnified.

The district retains the duty to represent and to indemnify Independent Authority members following the abolition of the Independent Authority for any cause of action or remedy available against the Independent Authority, its members, its employees, or its agents for any right or claim existing or any liability incurred prior to the abolition.

The insurance shall indemnify and protect districts, Independent Authority members, employees, volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of this Code, mentors of certified or licensed staff as authorized in Article 21A and Sections 2-3.53a, 2-3.53b, and 34-18.33 of this Code, and student teachers against civil rights damage claims and suits, constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense thereof, when damages are sought for negligent or wrongful acts alleged to have been committed in the scope of employment, under the direction of the Independent Authority, or related to any mentoring services provided to certified or licensed staff of the district. Such indemnification and protection shall extend to persons who were members of an Independent Authority, employees of an Independent Authority, authorized volunteer personnel, mentors of certified or licensed staff, or student teachers at the time of the incident from which a claim arises.

No agent may be afforded indemnification or protection unless he or she was a member of an Independent Authority, an employee of an Independent Authority, an authorized volunteer, a mentor of certified or licensed staff, or a student teacher at the time of the incident from which the claim arises.

(n) The State Board may adopt rules as may be necessary for the administration of this Section.

(Source: P.A. 98-1155, eff. 1-9-15.)

(105 ILCS 5/2-3.130)

Sec. 2-3.130. Isolated time out, time out, and physical restraint rules; grant program; third-party assistance; goals and plans.

(a) For purposes of this Section, "isolated time out", "physical restraint", and "time out" have the meanings given to those terms under Section 10-20.33.

(b) The State Board of Education shall promulgate rules governing the use of isolated time out, time out, and physical restraint in special education nonpublic facilities and the public schools. The rules shall include provisions governing the documentation and reporting that is required each time these interventions are used.

The rules adopted by the State Board shall include a procedure by which a person who believes a violation of Section 10-20.33 or 34-18.20 has occurred may file a complaint. The rules adopted by the State Board shall include

training requirements that must be included in training programs used to train and certify school personnel.

The State Board shall establish procedures for progressive enforcement actions to ensure that schools fully comply with the documentation and reporting requirements for isolated time out, time out, and physical restraint established by rule, which shall include meaningful and appropriate sanctions for the failure to comply, including the failure to report to the parent or guardian and to the State Board, the failure to timely report, and the failure to provide detailed documentation.

(c) Subject to appropriation, the State Board shall, by adoption of emergency rules under subsection (rr) of Section 5-45 of the Illinois Administrative Procedure Act if it so chooses, create a grant program for school districts, special education nonpublic facilities approved under Section 14-7.02 of this Code, and special education cooperatives to implement school-wide, culturally sensitive, and trauma-informed practices, positive behavioral interventions and supports, and restorative practices within a multi-tiered system of support aimed at reducing the need for interventions, such as isolated time out, time out, and physical restraint. The State Board shall give priority in grant funding to those school districts, special education nonpublic facilities approved under Section 14-7.02 of this Code, and special education cooperatives that submit a plan to achieve a significant

reduction or elimination in the use of isolated time out and physical restraint in less than 3 years.

(d) Subject to the Illinois Procurement Code, the Illinois School Student Records Act, the Mental Health and Developmental Disabilities Confidentiality Act, and the federal Family Educational Rights and Privacy Act of 1974, the State Board may contract with a third party to provide assistance with the oversight and monitoring of the use of isolated time out, time out, and physical restraint by school districts.

(e) For the purpose of this subsection and subsection (f), "entity" means a school district, a special education nonpublic school approved under Section 14-7.02 of this Code and located in this State, or a special education cooperative to the extent the cooperative operates separate schools or programs within schools.

The State Board shall establish goals within 90 days after the effective date of this amendatory Act of the 102nd General Assembly, with specific benchmarks, for entities ~~schools~~ to accomplish the systemic reduction of isolated time out, time out, and physical restraint within 3 years after the effective date of this amendatory Act of the 102nd General Assembly. The State Board shall engage in meaningful consultation with stakeholders to establish the goals, including in the review and evaluation of the data submitted. The State Board shall also consult stakeholders in efforts to develop strategies to

measure and reduce racial and ethnic disparities in the use of isolated time out, time out, and physical restraint. Each entity ~~school board~~ shall create a time out and physical restraint oversight team that includes, but is not limited to, teachers, paraprofessionals, school service personnel, and administrators to develop (i) an entity-specific ~~a school-specific~~ plan for reducing and eventually eliminating the use of isolated time out, time out, and physical restraint in accordance with the goals and benchmarks established by the State Board and (ii) procedures to implement the plan developed by the team.

The progress toward the reduction and eventual elimination of the use of isolated time out and physical restraint shall be measured by the reduction in the overall number of incidents of those interventions and the total number of students subjected to those interventions. In limited cases, upon written application made by an entity ~~a school district~~ and approved by the State Board based on criteria developed by the State Board to show good cause, the reduction in the use of those interventions may be measured by the frequency of the use of those interventions on individual students and the student population as a whole. The State Board shall specify a date for submission of the plans. Entities ~~School districts~~ shall submit a report once each year for 3 years after the effective date of this amendatory Act of the 102nd General Assembly to the State Board on the progress made toward

achieving the goals and benchmarks established by the State Board and modify their plans as necessary to satisfy those goals and benchmarks. Entities ~~School districts~~ shall notify parents and guardians that the plans and reports are available for review. On or before June 30, 2023, the State Board shall issue a report to the General Assembly on the progress made by entities ~~schools~~ to achieve those goals and benchmarks. The required plans shall include, but not be limited to, the specific actions that are to be taken to:

(1) reduce and eventually eliminate a reliance on isolated time out, time out, and physical restraint for behavioral interventions and develop noncoercive environments;

(2) develop individualized student plans that are oriented toward prevention of the use of isolated time out, time out, and physical restraint with the intent that a plan be separate and apart from a student's individualized education program or a student's plan for services under Section 504 of the federal Rehabilitation Act of 1973;

(3) ensure that appropriate ~~school~~ personnel are fully informed of the student's history, including any history of physical or sexual abuse, and other relevant medical and mental health information, except that any disclosure of student information must be consistent with federal and State laws and rules governing student confidentiality and

privacy rights; and

(4) support a vision for cultural change that reinforces the following:

(A) positive behavioral interventions and support rather than isolated time out, time out, and physical restraint;

(B) effective ways to de-escalate situations to avoid isolated time out, time out, and physical restraint;

(C) crisis intervention techniques that use alternatives to isolated time out, time out, and physical restraint; and

(D) use of debriefing meetings to reassess what occurred and why it occurred and to think through ways to prevent use of the intervention the next time.

(f) An entity, as defined in subsection (e), ~~A school~~ is exempt from the requirement to submit a plan and the annual reports under subsection (e) if the entity ~~school~~ is able to demonstrate to the satisfaction of the State Board that (i) within the previous 3 years, the entity ~~school-district~~ has never engaged in the use of isolated time out, time out, or physical restraint and (ii) the entity ~~school~~ has adopted a written policy that prohibits the use isolated time out, time out, and physical restraint on a student and is able to demonstrate the enforcement of that policy.

(g) The State Board shall establish a system of ongoing

review, auditing, and monitoring to ensure that entities ~~schools~~ comply with the documentation and reporting requirements and meet the State Board's established goals and benchmarks for reducing and eventually eliminating the use of isolated time out, time out, and physical restraint.

(Source: P.A. 102-339, eff. 8-13-21.)

(105 ILCS 5/2-3.195)

Sec. 2-3.195. Direct support professional training program. Beginning with the 2025-2026 school year and continuing for not less than 2 years, the State Board of Education shall make available a model program of study that incorporates the training and experience necessary to serve as a direct support professional. By July 1, 2023, the Department of Human Services ~~State Board~~ shall submit recommendations developed in consultation with stakeholders, including, but not limited to, organizations representing community-based providers serving children and adults with intellectual or developmental disabilities, and education practitioners, including, but not limited to, teachers, administrators, special education directors, and regional superintendents of schools, to the State Board ~~Department of Human Services~~ for the training that would be required in order to ~~be~~ complete the model program of study.

(Source: P.A. 102-874, eff. 1-1-23; revised 12-16-22.)

(105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)

Sec. 10-22.21b. Administering medication.

(a) In this Section, "asthma action plan" has the meaning given to that term under Section 22-30.

(b) To provide for the administration of medication to students. It shall be the policy of the State of Illinois that the administration of medication to students during regular school hours and during school-related activities should be discouraged unless absolutely necessary for the critical health and well-being of the student. Under no circumstances shall teachers or other non-administrative school employees, except certified school nurses and non-certificated registered professional nurses, be required to administer medication to students. This Section shall not prohibit a school district from adopting guidelines for self-administration of medication by students that are consistent with this Section and this Code. This Section shall not prohibit any school employee from providing emergency assistance to students.

(c) Notwithstanding any other provision of law, a school district must allow any student with an asthma action plan, an Individual Health Care Action Plan, an allergy emergency action plan ~~Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form~~, a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or a plan pursuant to the federal Individuals with Disabilities Education Act to self-administer any medication required under those plans if

the student's parent or guardian provides the school district with (i) written permission for the student's self-administration of medication and (ii) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication. A parent or guardian must also provide to the school district the prescription label for the medication, which must contain the name of the medication, the prescribed dosage, and the time or times at which or the circumstances under which the medication is to be administered. Information received by a school district under this subsection shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(d) Each school district must adopt an emergency action plan for a student who self-administers medication under subsection (c). The plan must include both of the following:

(1) A plan of action in the event a student is unable to self-administer medication.

(2) The situations in which a school must call 9-1-1.

(e) A school district and its employees and agents shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication by a student under subsection (c). The student's parent or guardian must sign a statement to this effect, which must acknowledge that the parent or guardian must indemnify

and hold harmless the school district and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication by a student.

(Source: P.A. 101-205, eff. 1-1-20.)

(105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

Sec. 14-7.02. Children attending private schools, public out-of-state schools, public school residential facilities or private special education facilities.

(a) The General Assembly recognizes that non-public schools or special education facilities provide an important service in the educational system in Illinois.

(b) If a student's individualized education program (IEP) team determines that because of his or her disability the special education program of a district is unable to meet the needs of the child and the child attends a non-public school or special education facility, a public out-of-state school or a special education facility owned and operated by a county government unit that provides special educational services required by the child and is in compliance with the appropriate rules and regulations of the State Superintendent of Education, the school district in which the child is a resident shall pay the actual cost of tuition for special education and related services provided during the regular school term and during the summer school term if the child's

educational needs so require, excluding room, board and transportation costs charged the child by that non-public school or special education facility, public out-of-state school or county special education facility, or \$4,500 per year, whichever is less, and shall provide him any necessary transportation. "Nonpublic special education facility" shall include a residential facility, within or without the State of Illinois, which provides special education and related services to meet the needs of the child by utilizing private schools or public schools, whether located on the site or off the site of the residential facility. Resident district financial responsibility and reimbursement applies for both nonpublic special education facilities that are approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 or other applicable laws or rules and for emergency residential placements in nonpublic special education facilities that are not approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 or other applicable laws or rules, subject to the requirements of this Section.

(c) Prior to the placement of a child in an out-of-state special education residential facility, the school district must refer to the child or the child's parent or guardian the option to place the child in a special education residential facility located within this State, if any, that provides treatment and services comparable to those provided by the

out-of-state special education residential facility. The school district must review annually the placement of a child in an out-of-state special education residential facility. As a part of the review, the school district must refer to the child or the child's parent or guardian the option to place the child in a comparable special education residential facility located within this State, if any.

(d) Payments shall be made by the resident school district to the entity providing the educational services, whether the entity is the nonpublic special education facility or the school district wherein the facility is located, no less than once per quarter, unless otherwise agreed to in writing by the parties.

(e) A school district may residentially place a student in a nonpublic special education facility providing educational services, but not approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 or other applicable laws or rules, provided that the State Board of Education provides an emergency and student-specific approval for residential placement. The State Board of Education shall promptly, within 10 days after the request, approve a request for emergency and student-specific approval for residential placement if the following have been demonstrated to the State Board of Education:

- (1) the facility demonstrates appropriate licensure of teachers for the student population;

(2) the facility demonstrates age-appropriate curriculum;

(3) the facility provides enrollment and attendance data;

(4) the facility demonstrates the ability to implement the child's IEP; and

(5) the school district demonstrates that it made good faith efforts to residentially place the student in an approved facility, but no approved facility has accepted the student or has availability for immediate residential placement of the student.

A resident school district may also submit such proof to the State Board of Education as may be required for its student. The State Board of Education may not unreasonably withhold approval once satisfactory proof is provided to the State Board.

(f) If an impartial due process hearing officer who is contracted by the State Board of Education pursuant to this Article orders placement of a student with a disability in a residential facility that is not approved by the State Board of Education, then, for purposes of this Section, the facility shall be deemed approved for placement and school district payments and State reimbursements shall be made accordingly.

(g) Emergency residential placement in a facility approved pursuant to subsection (e) or (f) may continue to be utilized so long as (i) the student's IEP team determines annually that

such placement continues to be appropriate to meet the student's needs and (ii) at least every 3 years following the student's residential placement, the IEP team reviews appropriate placements approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 or other applicable laws or rules to determine whether there are any approved placements that can meet the student's needs, have accepted the student, and have availability for placement of the student.

(h) The State Board of Education shall promulgate rules and regulations for determining when placement in a private special education facility is appropriate. Such rules and regulations shall take into account the various types of services needed by a child and the availability of such services to the particular child in the public school. In developing these rules and regulations the State Board of Education shall consult with the Advisory Council on Education of Children with Disabilities and hold public hearings to secure recommendations from parents, school personnel, and others concerned about this matter.

The State Board of Education shall also promulgate rules and regulations for transportation to and from a residential school. Transportation to and from home to a residential school more than once each school term shall be subject to prior approval by the State Superintendent in accordance with the rules and regulations of the State Board.

(i) A school district making tuition payments pursuant to this Section is eligible for reimbursement from the State for the amount of such payments actually made in excess of the district per capita tuition charge for students not receiving special education services. Such reimbursement shall be approved in accordance with Section 14-12.01 and each district shall file its claims, computed in accordance with rules prescribed by the State Board of Education, on forms prescribed by the State Superintendent of Education. Data used as a basis of reimbursement claims shall be for the preceding regular school term and summer school term. Each school district shall transmit its claims to the State Board of Education on or before August 15. The State Board of Education, before approving any such claims, shall determine their accuracy and whether they are based upon services and facilities provided under approved programs. Upon approval the State Board shall cause vouchers to be prepared showing the amount due for payment of reimbursement claims to school districts, for transmittal to the State Comptroller on the 30th day of September, December, and March, respectively, and the final voucher, no later than June 20. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved.

(j) No child shall be placed in a special education program pursuant to this Section if the tuition cost for

special education and related services increases more than 10 percent over the tuition cost for the previous school year or exceeds \$4,500 per year unless such costs have been approved by the Illinois Purchased Care Review Board. The Illinois Purchased Care Review Board shall consist of the following persons, or their designees: the Directors of Children and Family Services, Public Health, Public Aid, and the Governor's Office of Management and Budget; the Secretary of Human Services; the State Superintendent of Education; and such other persons as the Governor may designate. The Review Board shall also consist of one non-voting member who is an administrator of a private, nonpublic, special education school. The Review Board shall establish rules and regulations for its determination of allowable costs and payments made by local school districts for special education, room and board, and other related services provided by non-public schools or special education facilities and shall establish uniform standards and criteria which it shall follow. The Review Board shall approve the usual and customary rate or rates of a special education program that (i) is offered by an out-of-state, non-public provider of integrated autism specific educational and autism specific residential services, (ii) offers 2 or more levels of residential care, including at least one locked facility, and (iii) serves 12 or fewer Illinois students.

(k) In determining rates based on allowable costs, the

Review Board shall consider any wage increases awarded by the General Assembly to front line personnel defined as direct support persons, aides, front-line supervisors, qualified intellectual disabilities professionals, nurses, and non-administrative support staff working in service settings in community-based settings within the State and adjust customary rates or rates of a special education program to be equitable to the wage increase awarded to similar staff positions in a community residential setting. Any wage increase awarded by the General Assembly to front line personnel defined as direct support persons, aides, front-line supervisors, qualified intellectual disabilities professionals, nurses, and non-administrative support staff working in community-based settings within the State, including the \$0.75 per hour increase contained in Public Act 100-23 and the \$0.50 per hour increase included in Public Act 100-23, shall also be a basis for any facility covered by this Section to appeal its rate before the Review Board under the process defined in Title 89, Part 900, Section 340 of the Illinois Administrative Code. Illinois Administrative Code Title 89, Part 900, Section 342 shall be updated to recognize wage increases awarded to community-based settings to be a basis for appeal. However, any wage increase that is captured upon appeal from a previous year shall not be counted by the Review Board as revenue for the purpose of calculating a facility's future rate.

(l) Any definition used by the Review Board in administrative rule or policy to define "related organizations" shall include any and all exceptions contained in federal law or regulation as it pertains to the federal definition of "related organizations".

(m) The Review Board shall establish uniform definitions and criteria for accounting separately by special education, room and board and other related services costs. The Board shall also establish guidelines for the coordination of services and financial assistance provided by all State agencies to assure that no otherwise qualified child with a disability receiving services under Article 14 shall be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity provided by any State agency.

(n) The Review Board shall review the costs for special education and related services provided by non-public schools or special education facilities and shall approve or disapprove such facilities in accordance with the rules and regulations established by it with respect to allowable costs.

(o) The State Board of Education shall provide administrative and staff support for the Review Board as deemed reasonable by the State Superintendent of Education. This support shall not include travel expenses or other compensation for any Review Board member other than the State Superintendent of Education.

(p) The Review Board shall seek the advice of the Advisory Council on Education of Children with Disabilities on the rules and regulations to be promulgated by it relative to providing special education services.

(q) If a child has been placed in a program in which the actual per pupil costs of tuition for special education and related services based on program enrollment, excluding room, board and transportation costs, exceed \$4,500 and such costs have been approved by the Review Board, the district shall pay such total costs which exceed \$4,500. A district making such tuition payments in excess of \$4,500 pursuant to this Section shall be responsible for an amount in excess of \$4,500 equal to the district per capita tuition charge and shall be eligible for reimbursement from the State for the amount of such payments actually made in excess of the districts per capita tuition charge for students not receiving special education services.

(r) If a child has been placed in an approved individual program and the tuition costs including room and board costs have been approved by the Review Board, then such room and board costs shall be paid by the appropriate State agency subject to the provisions of Section 14-8.01 of this Act. Room and board costs not provided by a State agency other than the State Board of Education shall be provided by the State Board of Education on a current basis. In no event, however, shall the State's liability for funding of these tuition costs begin

until after the legal obligations of third party payors have been subtracted from such costs. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved. Each district shall submit estimated claims to the State Superintendent of Education. Upon approval of such claims, the State Superintendent of Education shall direct the State Comptroller to make payments on a monthly basis. The frequency for submitting estimated claims and the method of determining payment shall be prescribed in rules and regulations adopted by the State Board of Education. Such current state reimbursement shall be reduced by an amount equal to the proceeds which the child or child's parents are eligible to receive under any public or private insurance or assistance program. Nothing in this Section shall be construed as relieving an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability.

(s) If it otherwise qualifies, a school district is eligible for the transportation reimbursement under Section 14-13.01 and for the reimbursement of tuition payments under this Section whether the non-public school or special education facility, public out-of-state school or county special education facility, attended by a child who resides in that district and requires special educational services, is within or outside of the State of Illinois. However, a

district is not eligible to claim transportation reimbursement under this Section unless the district certifies to the State Superintendent of Education that the district is unable to provide special educational services required by the child for the current school year.

(t) Nothing in this Section authorizes the reimbursement of a school district for the amount paid for tuition of a child attending a non-public school or special education facility, public out-of-state school or county special education facility unless the school district certifies to the State Superintendent of Education that the special education program of that district is unable to meet the needs of that child because of his disability and the State Superintendent of Education finds that the school district is in substantial compliance with Section 14-4.01. However, if a child is unilaterally placed by a State agency or any court in a non-public school or special education facility, public out-of-state school, or county special education facility, a school district shall not be required to certify to the State Superintendent of Education, for the purpose of tuition reimbursement, that the special education program of that district is unable to meet the needs of a child because of his or her disability.

(u) Any educational or related services provided, pursuant to this Section in a non-public school or special education facility or a special education facility owned and operated by

a county government unit shall be at no cost to the parent or guardian of the child. However, current law and practices relative to contributions by parents or guardians for costs other than educational or related services are not affected by this amendatory Act of 1978.

(v) Reimbursement for children attending public school residential facilities shall be made in accordance with the provisions of this Section.

(w) Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith.

This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services. (Source: P.A. 101-10, eff. 6-5-19; 102-254, eff. 8-6-21; 102-703, eff. 4-22-22.)

(105 ILCS 5/18-8.15)

Sec. 18-8.15. Evidence-Based Funding for student success for the 2017-2018 and subsequent school years.

(a) General provisions.

(1) The purpose of this Section is to ensure that, by June 30, 2027 and beyond, this State has a kindergarten through grade 12 public education system with the capacity to ensure the educational development of all persons to the limits of their capacities in accordance with Section

1 of Article X of the Constitution of the State of Illinois. To accomplish that objective, this Section creates a method of funding public education that is evidence-based; is sufficient to ensure every student receives a meaningful opportunity to learn irrespective of race, ethnicity, sexual orientation, gender, or community-income level; and is sustainable and predictable. When fully funded under this Section, every school shall have the resources, based on what the evidence indicates is needed, to:

(A) provide all students with a high quality education that offers the academic, enrichment, social and emotional support, technical, and career-focused programs that will allow them to become competitive workers, responsible parents, productive citizens of this State, and active members of our national democracy;

(B) ensure all students receive the education they need to graduate from high school with the skills required to pursue post-secondary education and training for a rewarding career;

(C) reduce, with a goal of eliminating, the achievement gap between at-risk and non-at-risk students by raising the performance of at-risk students and not by reducing standards; and

(D) ensure this State satisfies its obligation to

assume the primary responsibility to fund public education and simultaneously relieve the disproportionate burden placed on local property taxes to fund schools.

(2) The Evidence-Based Funding formula under this Section shall be applied to all Organizational Units in this State. The Evidence-Based Funding formula outlined in this Act is based on the formula outlined in Senate Bill 1 of the 100th General Assembly, as passed by both legislative chambers. As further defined and described in this Section, there are 4 major components of the Evidence-Based Funding model:

(A) First, the model calculates a unique Adequacy Target for each Organizational Unit in this State that considers the costs to implement research-based activities, the unit's student demographics, and regional wage differences.

(B) Second, the model calculates each Organizational Unit's Local Capacity, or the amount each Organizational Unit is assumed to contribute toward its Adequacy Target from local resources.

(C) Third, the model calculates how much funding the State currently contributes to the Organizational Unit and adds that to the unit's Local Capacity to determine the unit's overall current adequacy of funding.

(D) Finally, the model's distribution method allocates new State funding to those Organizational Units that are least well-funded, considering both Local Capacity and State funding, in relation to their Adequacy Target.

(3) An Organizational Unit receiving any funding under this Section may apply those funds to any fund so received for which that Organizational Unit is authorized to make expenditures by law.

(4) As used in this Section, the following terms shall have the meanings ascribed in this paragraph (4):

"Adequacy Target" is defined in paragraph (1) of subsection (b) of this Section.

"Adjusted EAV" is defined in paragraph (4) of subsection (d) of this Section.

"Adjusted Local Capacity Target" is defined in paragraph (3) of subsection (c) of this Section.

"Adjusted Operating Tax Rate" means a tax rate for all Organizational Units, for which the State Superintendent shall calculate and subtract for the Operating Tax Rate a transportation rate based on total expenses for transportation services under this Code, as reported on the most recent Annual Financial Report in Pupil Transportation Services, function 2550 in both the Education and Transportation funds and functions 4110 and 4120 in the Transportation fund, less any corresponding

fiscal year State of Illinois scheduled payments excluding net adjustments for prior years for regular, vocational, or special education transportation reimbursement pursuant to Section 29-5 or subsection (b) of Section 14-13.01 of this Code divided by the Adjusted EAV. If an Organizational Unit's corresponding fiscal year State of Illinois scheduled payments excluding net adjustments for prior years for regular, vocational, or special education transportation reimbursement pursuant to Section 29-5 or subsection (b) of Section 14-13.01 of this Code exceed the total transportation expenses, as defined in this paragraph, no transportation rate shall be subtracted from the Operating Tax Rate.

"Allocation Rate" is defined in paragraph (3) of subsection (g) of this Section.

"Alternative School" means a public school that is created and operated by a regional superintendent of schools and approved by the State Board.

"Applicable Tax Rate" is defined in paragraph (1) of subsection (d) of this Section.

"Assessment" means any of those benchmark, progress monitoring, formative, diagnostic, and other assessments, in addition to the State accountability assessment, that assist teachers' needs in understanding the skills and meeting the needs of the students they serve.

"Assistant principal" means a school administrator

duly endorsed to be employed as an assistant principal in this State.

"At-risk student" means a student who is at risk of not meeting the Illinois Learning Standards or not graduating from elementary or high school and who demonstrates a need for vocational support or social services beyond that provided by the regular school program. All students included in an Organizational Unit's Low-Income Count, as well as all English learner and disabled students attending the Organizational Unit, shall be considered at-risk students under this Section.

"Average Student Enrollment" or "ASE" for fiscal year 2018 means, for an Organizational Unit, the greater of the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 in the immediately preceding school year, plus the pre-kindergarten students who receive special education services of 2 or more hours a day as reported to the State Board on December 1 in the immediately preceding school year, or the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1, plus the pre-kindergarten students who receive special education services of 2 or more hours a day as reported to the State Board on December 1, for each of the immediately preceding 3 school years. For fiscal year 2019 and each subsequent

fiscal year, "Average Student Enrollment" or "ASE" means, for an Organizational Unit, the greater of the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 and March 1 in the immediately preceding school year, plus the pre-kindergarten students who receive special education services as reported to the State Board on October 1 and March 1 in the immediately preceding school year, or the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 and March 1, plus the pre-kindergarten students who receive special education services as reported to the State Board on October 1 and March 1, for each of the immediately preceding 3 school years. For the purposes of this definition, "enrolled in the Organizational Unit" means the number of students reported to the State Board who are enrolled in schools within the Organizational Unit that the student attends or would attend if not placed or transferred to another school or program to receive needed services. For the purposes of calculating "ASE", all students, grades K through 12, excluding those attending kindergarten for a half day and students attending an alternative education program operated by a regional office of education or intermediate service center, shall be counted as 1.0. All students attending kindergarten for a half day shall be

counted as 0.5, unless in 2017 by June 15 or by March 1 in subsequent years, the school district reports to the State Board of Education the intent to implement full-day kindergarten district-wide for all students, then all students attending kindergarten shall be counted as 1.0. Special education pre-kindergarten students shall be counted as 0.5 each. If the State Board does not collect or has not collected both an October 1 and March 1 enrollment count by grade or a December 1 collection of special education pre-kindergarten students as of August 31, 2017 (the effective date of Public Act 100-465), it shall establish such collection for all future years. For any year in which a count by grade level was collected only once, that count shall be used as the single count available for computing a 3-year average ASE. Funding for programs operated by a regional office of education or an intermediate service center must be calculated using the Evidence-Based Funding formula under this Section for the 2019-2020 school year and each subsequent school year until separate adequacy formulas are developed and adopted for each type of program. ASE for a program operated by a regional office of education or an intermediate service center must be determined by the March 1 enrollment for the program. For the 2019-2020 school year, the ASE used in the calculation must be the first-year ASE and, in that year only, the assignment of students served by a regional

office of education or intermediate service center shall not result in a reduction of the March enrollment for any school district. For the 2020-2021 school year, the ASE must be the greater of the current-year ASE or the 2-year average ASE. Beginning with the 2021-2022 school year, the ASE must be the greater of the current-year ASE or the 3-year average ASE. School districts shall submit the data for the ASE calculation to the State Board within 45 days of the dates required in this Section for submission of enrollment data in order for it to be included in the ASE calculation. For fiscal year 2018 only, the ASE calculation shall include only enrollment taken on October 1. In recognition of the impact of COVID-19, the definition of "Average Student Enrollment" or "ASE" shall be adjusted for calculations under this Section for fiscal years 2022 through 2024. For fiscal years 2022 through 2024, the enrollment used in the calculation of ASE representing the 2020-2021 school year shall be the greater of the enrollment for the 2020-2021 school year or the 2019-2020 school year.

"Base Funding Guarantee" is defined in paragraph (10) of subsection (g) of this Section.

"Base Funding Minimum" is defined in subsection (e) of this Section.

"Base Tax Year" means the property tax levy year used to calculate the Budget Year allocation of primary State

aid.

"Base Tax Year's Extension" means the product of the equalized assessed valuation utilized by the county clerk in the Base Tax Year multiplied by the limiting rate as calculated by the county clerk and defined in PTELL.

"Bilingual Education Allocation" means the amount of an Organizational Unit's final Adequacy Target attributable to bilingual education divided by the Organizational Unit's final Adequacy Target, the product of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit's final Adequacy Target attributable to bilingual education shall include all additional investments in English learner students' adequacy elements.

"Budget Year" means the school year for which primary State aid is calculated and awarded under this Section.

"Central office" means individual administrators and support service personnel charged with managing the instructional programs, business and operations, and security of the Organizational Unit.

"Comparable Wage Index" or "CWI" means a regional cost differentiation metric that measures systemic, regional variations in the salaries of college graduates who are not educators. The CWI utilized for this Section shall, for the first 3 years of Evidence-Based Funding implementation, be the CWI initially developed by the

National Center for Education Statistics, as most recently updated by Texas A & M University. In the fourth and subsequent years of Evidence-Based Funding implementation, the State Superintendent shall re-determine the CWI using a similar methodology to that identified in the Texas A & M University study, with adjustments made no less frequently than once every 5 years.

"Computer technology and equipment" means computers servers, notebooks, network equipment, copiers, printers, instructional software, security software, curriculum management courseware, and other similar materials and equipment.

"Computer technology and equipment investment allocation" means the final Adequacy Target amount of an Organizational Unit assigned to Tier 1 or Tier 2 in the prior school year attributable to the additional \$285.50 per student computer technology and equipment investment grant divided by the Organizational Unit's final Adequacy Target, the result of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit assigned to a Tier 1 or Tier 2 final Adequacy Target attributable to the received computer technology and equipment investment grant shall include all additional investments in computer technology and equipment adequacy elements.

"Core subject" means mathematics; science; reading,

English, writing, and language arts; history and social studies; world languages; and subjects taught as Advanced Placement in high schools.

"Core teacher" means a regular classroom teacher in elementary schools and teachers of a core subject in middle and high schools.

"Core Intervention teacher (tutor)" means a licensed teacher providing one-on-one or small group tutoring to students struggling to meet proficiency in core subjects.

"CPPRT" means corporate personal property replacement tax funds paid to an Organizational Unit during the calendar year one year before the calendar year in which a school year begins, pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

"EAV" means equalized assessed valuation as defined in paragraph (2) of subsection (d) of this Section and calculated in accordance with paragraph (3) of subsection (d) of this Section.

"ECI" means the Bureau of Labor Statistics' national employment cost index for civilian workers in educational services in elementary and secondary schools on a cumulative basis for the 12-month calendar year preceding

the fiscal year of the Evidence-Based Funding calculation.

"EIS Data" means the employment information system data maintained by the State Board on educators within Organizational Units.

"Employee benefits" means health, dental, and vision insurance offered to employees of an Organizational Unit, the costs associated with the statutorily required payment of the normal cost of the Organizational Unit's teacher pensions, Social Security employer contributions, and Illinois Municipal Retirement Fund employer contributions.

"English learner" or "EL" means a child included in the definition of "English learners" under Section 14C-2 of this Code participating in a program of transitional bilingual education or a transitional program of instruction meeting the requirements and program application procedures of Article 14C of this Code. For the purposes of collecting the number of EL students enrolled, the same collection and calculation methodology as defined above for "ASE" shall apply to English learners, with the exception that EL student enrollment shall include students in grades pre-kindergarten through 12.

"Essential Elements" means those elements, resources, and educational programs that have been identified through academic research as necessary to improve student success, improve academic performance, close achievement gaps, and

provide for other per student costs related to the delivery and leadership of the Organizational Unit, as well as the maintenance and operations of the unit, and which are specified in paragraph (2) of subsection (b) of this Section.

"Evidence-Based Funding" means State funding provided to an Organizational Unit pursuant to this Section.

"Extended day" means academic and enrichment programs provided to students outside the regular school day before and after school or during non-instructional times during the school day.

"Extension Limitation Ratio" means a numerical ratio in which the numerator is the Base Tax Year's Extension and the denominator is the Preceding Tax Year's Extension.

"Final Percent of Adequacy" is defined in paragraph (4) of subsection (f) of this Section.

"Final Resources" is defined in paragraph (3) of subsection (f) of this Section.

"Full-time equivalent" or "FTE" means the full-time equivalency compensation for staffing the relevant position at an Organizational Unit.

"Funding Gap" is defined in paragraph (1) of subsection (g).

"Hybrid District" means a partial elementary unit district created pursuant to Article 11E of this Code.

"Instructional assistant" means a core or special

education, non-licensed employee who assists a teacher in the classroom and provides academic support to students.

"Instructional facilitator" means a qualified teacher or licensed teacher leader who facilitates and coaches continuous improvement in classroom instruction; provides instructional support to teachers in the elements of research-based instruction or demonstrates the alignment of instruction with curriculum standards and assessment tools; develops or coordinates instructional programs or strategies; develops and implements training; chooses standards-based instructional materials; provides teachers with an understanding of current research; serves as a mentor, site coach, curriculum specialist, or lead teacher; or otherwise works with fellow teachers, in collaboration, to use data to improve instructional practice or develop model lessons.

"Instructional materials" means relevant instructional materials for student instruction, including, but not limited to, textbooks, consumable workbooks, laboratory equipment, library books, and other similar materials.

"Laboratory School" means a public school that is created and operated by a public university and approved by the State Board.

"Librarian" means a teacher with an endorsement as a library information specialist or another individual whose

primary responsibility is overseeing library resources within an Organizational Unit.

"Limiting rate for Hybrid Districts" means the combined elementary school and high school limiting rates.

"Local Capacity" is defined in paragraph (1) of subsection (c) of this Section.

"Local Capacity Percentage" is defined in subparagraph (A) of paragraph (2) of subsection (c) of this Section.

"Local Capacity Ratio" is defined in subparagraph (B) of paragraph (2) of subsection (c) of this Section.

"Local Capacity Target" is defined in paragraph (2) of subsection (c) of this Section.

"Low-Income Count" means, for an Organizational Unit in a fiscal year, the higher of the average number of students for the prior school year or the immediately preceding 3 school years who, as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services), are eligible for at least one of the following low-income programs: Medicaid, the Children's Health Insurance Program, Temporary Assistance for Needy Families (TANF), or the Supplemental Nutrition Assistance Program, excluding pupils who are eligible for services provided by the Department of Children and Family Services. Until such time that grade level low-income populations become available, grade level low-income populations shall be determined by applying the low-income

percentage to total student enrollments by grade level. The low-income percentage is determined by dividing the Low-Income Count by the Average Student Enrollment. The low-income percentage for programs operated by a regional office of education or an intermediate service center must be set to the weighted average of the low-income percentages of all of the school districts in the service region. The weighted low-income percentage is the result of multiplying the low-income percentage of each school district served by the regional office of education or intermediate service center by each school district's Average Student Enrollment, summarizing those products and dividing the total by the total Average Student Enrollment for the service region.

"Maintenance and operations" means custodial services, facility and ground maintenance, facility operations, facility security, routine facility repairs, and other similar services and functions.

"Minimum Funding Level" is defined in paragraph (9) of subsection (g) of this Section.

"New Property Tax Relief Pool Funds" means, for any given fiscal year, all State funds appropriated under Section 2-3.170 of this Code.

"New State Funds" means, for a given school year, all State funds appropriated for Evidence-Based Funding in excess of the amount needed to fund the Base Funding

Minimum for all Organizational Units in that school year.

"Nurse" means an individual licensed as a certified school nurse, in accordance with the rules established for nursing services by the State Board, who is an employee of and is available to provide health care-related services for students of an Organizational Unit.

"Operating Tax Rate" means the rate utilized in the previous year to extend property taxes for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes. For Hybrid Districts, the Operating Tax Rate shall be the combined elementary and high school rates utilized in the previous year to extend property taxes for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

"Organizational Unit" means a Laboratory School or any public school district that is recognized as such by the State Board and that contains elementary schools typically serving kindergarten through 5th grades, middle schools typically serving 6th through 8th grades, high schools typically serving 9th through 12th grades, a program established under Section 2-3.66 or 2-3.41, or a program operated by a regional office of education or an intermediate service center under Article 13A or 13B. The General Assembly acknowledges that the actual grade levels served by a particular Organizational Unit may vary

slightly from what is typical.

"Organizational Unit CWI" is determined by calculating the CWI in the region and original county in which an Organizational Unit's primary administrative office is located as set forth in this paragraph, provided that if the Organizational Unit CWI as calculated in accordance with this paragraph is less than 0.9, the Organizational Unit CWI shall be increased to 0.9. Each county's current CWI value shall be adjusted based on the CWI value of that county's neighboring Illinois counties, to create a "weighted adjusted index value". This shall be calculated by summing the CWI values of all of a county's adjacent Illinois counties and dividing by the number of adjacent Illinois counties, then taking the weighted value of the original county's CWI value and the adjacent Illinois county average. To calculate this weighted value, if the number of adjacent Illinois counties is greater than 2, the original county's CWI value will be weighted at 0.25 and the adjacent Illinois county average will be weighted at 0.75. If the number of adjacent Illinois counties is 2, the original county's CWI value will be weighted at 0.33 and the adjacent Illinois county average will be weighted at 0.66. The greater of the county's current CWI value and its weighted adjusted index value shall be used as the Organizational Unit CWI.

"Preceding Tax Year" means the property tax levy year

immediately preceding the Base Tax Year.

"Preceding Tax Year's Extension" means the product of the equalized assessed valuation utilized by the county clerk in the Preceding Tax Year multiplied by the Operating Tax Rate.

"Preliminary Percent of Adequacy" is defined in paragraph (2) of subsection (f) of this Section.

"Preliminary Resources" is defined in paragraph (2) of subsection (f) of this Section.

"Principal" means a school administrator duly endorsed to be employed as a principal in this State.

"Professional development" means training programs for licensed staff in schools, including, but not limited to, programs that assist in implementing new curriculum programs, provide data focused or academic assessment data training to help staff identify a student's weaknesses and strengths, target interventions, improve instruction, encompass instructional strategies for English learner, gifted, or at-risk students, address inclusivity, cultural sensitivity, or implicit bias, or otherwise provide professional support for licensed staff.

"Prototypical" means 450 special education pre-kindergarten and kindergarten through grade 5 students for an elementary school, 450 grade 6 through 8 students for a middle school, and 600 grade 9 through 12 students for a high school.

"PTELL" means the Property Tax Extension Limitation Law.

"PTELL EAV" is defined in paragraph (4) of subsection (d) of this Section.

"Pupil support staff" means a nurse, psychologist, social worker, family liaison personnel, or other staff member who provides support to at-risk or struggling students.

"Real Receipts" is defined in paragraph (1) of subsection (d) of this Section.

"Regionalization Factor" means, for a particular Organizational Unit, the figure derived by dividing the Organizational Unit CWI by the Statewide Weighted CWI.

"School counselor" means a licensed school counselor who provides guidance and counseling support for students within an Organizational Unit.

"School site staff" means the primary school secretary and any additional clerical personnel assigned to a school.

"Special education" means special educational facilities and services, as defined in Section 14-1.08 of this Code.

"Special Education Allocation" means the amount of an Organizational Unit's final Adequacy Target attributable to special education divided by the Organizational Unit's final Adequacy Target, the product of which shall be

multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit's final Adequacy Target attributable to special education shall include all special education investment adequacy elements.

"Specialist teacher" means a teacher who provides instruction in subject areas not included in core subjects, including, but not limited to, art, music, physical education, health, driver education, career-technical education, and such other subject areas as may be mandated by State law or provided by an Organizational Unit.

"Specially Funded Unit" means an Alternative School, safe school, Department of Juvenile Justice school, special education cooperative or entity recognized by the State Board as a special education cooperative, State-approved charter school, or alternative learning opportunities program that received direct funding from the State Board during the 2016-2017 school year through any of the funding sources included within the calculation of the Base Funding Minimum or Glenwood Academy.

"Supplemental Grant Funding" means supplemental general State aid funding received by an Organizational Unit during the 2016-2017 school year pursuant to subsection (H) of Section 18-8.05 of this Code (now repealed).

"State Adequacy Level" is the sum of the Adequacy

Targets of all Organizational Units.

"State Board" means the State Board of Education.

"State Superintendent" means the State Superintendent of Education.

"Statewide Weighted CWI" means a figure determined by multiplying each Organizational Unit CWI times the ASE for that Organizational Unit creating a weighted value, summing all Organizational Units' weighted values, and dividing by the total ASE of all Organizational Units, thereby creating an average weighted index.

"Student activities" means non-credit producing after-school programs, including, but not limited to, clubs, bands, sports, and other activities authorized by the school board of the Organizational Unit.

"Substitute teacher" means an individual teacher or teaching assistant who is employed by an Organizational Unit and is temporarily serving the Organizational Unit on a per diem or per period-assignment basis to replace another staff member.

"Summer school" means academic and enrichment programs provided to students during the summer months outside of the regular school year.

"Supervisory aide" means a non-licensed staff member who helps in supervising students of an Organizational Unit, but does so outside of the classroom, in situations such as, but not limited to, monitoring hallways and

playgrounds, supervising lunchrooms, or supervising students when being transported in buses serving the Organizational Unit.

"Target Ratio" is defined in paragraph (4) of subsection (g).

"Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined in paragraph (3) of subsection (g).

"Tier 1 Aggregate Funding", "Tier 2 Aggregate Funding", "Tier 3 Aggregate Funding", and "Tier 4 Aggregate Funding" are defined in paragraph (1) of subsection (g).

(b) Adequacy Target calculation.

(1) Each Organizational Unit's Adequacy Target is the sum of the Organizational Unit's cost of providing Essential Elements, as calculated in accordance with this subsection (b), with the salary amounts in the Essential Elements multiplied by a Regionalization Factor calculated pursuant to paragraph (3) of this subsection (b).

(2) The Essential Elements are attributable on a pro rata basis related to defined subgroups of the ASE of each Organizational Unit as specified in this paragraph (2), with investments and FTE positions pro rata funded based on ASE counts in excess of or less than the thresholds set forth in this paragraph (2). The method for calculating attributable pro rata costs and the defined subgroups thereto are as follows:

(A) Core class size investments. Each Organizational Unit shall receive the funding required to support that number of FTE core teacher positions as is needed to keep the respective class sizes of the Organizational Unit to the following maximum numbers:

(i) For grades kindergarten through 3, the Organizational Unit shall receive funding required to support one FTE core teacher position for every 15 Low-Income Count students in those grades and one FTE core teacher position for every 20 non-Low-Income Count students in those grades.

(ii) For grades 4 through 12, the Organizational Unit shall receive funding required to support one FTE core teacher position for every 20 Low-Income Count students in those grades and one FTE core teacher position for every 25 non-Low-Income Count students in those grades.

The number of non-Low-Income Count students in a grade shall be determined by subtracting the Low-Income students in that grade from the ASE of the Organizational Unit for that grade.

(B) Specialist teacher investments. Each Organizational Unit shall receive the funding needed to cover that number of FTE specialist teacher positions that correspond to the following percentages:

(i) if the Organizational Unit operates an elementary or middle school, then 20.00% of the number of the Organizational Unit's core teachers, as determined under subparagraph (A) of this paragraph (2); and

(ii) if such Organizational Unit operates a high school, then 33.33% of the number of the Organizational Unit's core teachers.

(C) Instructional facilitator investments. Each Organizational Unit shall receive the funding needed to cover one FTE instructional facilitator position for every 200 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students of the Organizational Unit.

(D) Core intervention teacher (tutor) investments. Each Organizational Unit shall receive the funding needed to cover one FTE teacher position for each prototypical elementary, middle, and high school.

(E) Substitute teacher investments. Each Organizational Unit shall receive the funding needed to cover substitute teacher costs that is equal to 5.70% of the minimum pupil attendance days required under Section 10-19 of this Code for all full-time equivalent core, specialist, and intervention teachers, school nurses, special education teachers and instructional assistants, instructional

facilitators, and summer school and extended day teacher positions, as determined under this paragraph (2), at a salary rate of 33.33% of the average salary for grade K through 12 teachers and 33.33% of the average salary of each instructional assistant position.

(F) Core school counselor investments. Each Organizational Unit shall receive the funding needed to cover one FTE school counselor for each 450 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE school counselor for each 250 grades 6 through 8 ASE middle school students, plus one FTE school counselor for each 250 grades 9 through 12 ASE high school students.

(G) Nurse investments. Each Organizational Unit shall receive the funding needed to cover one FTE nurse for each 750 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students across all grade levels it serves.

(H) Supervisory aide investments. Each Organizational Unit shall receive the funding needed to cover one FTE for each 225 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE

for each 225 ASE middle school students, plus one FTE for each 200 ASE high school students.

(I) Librarian investments. Each Organizational Unit shall receive the funding needed to cover one FTE librarian for each prototypical elementary school, middle school, and high school and one FTE aide or media technician for every 300 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students.

(J) Principal investments. Each Organizational Unit shall receive the funding needed to cover one FTE principal position for each prototypical elementary school, plus one FTE principal position for each prototypical middle school, plus one FTE principal position for each prototypical high school.

(K) Assistant principal investments. Each Organizational Unit shall receive the funding needed to cover one FTE assistant principal position for each prototypical elementary school, plus one FTE assistant principal position for each prototypical middle school, plus one FTE assistant principal position for each prototypical high school.

(L) School site staff investments. Each Organizational Unit shall receive the funding needed for one FTE position for each 225 ASE of pre-kindergarten children with disabilities and all

kindergarten through grade 5 students, plus one FTE position for each 225 ASE middle school students, plus one FTE position for each 200 ASE high school students.

(M) Gifted investments. Each Organizational Unit shall receive \$40 per kindergarten through grade 12 ASE.

(N) Professional development investments. Each Organizational Unit shall receive \$125 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students for trainers and other professional development-related expenses for supplies and materials.

(O) Instructional material investments. Each Organizational Unit shall receive \$190 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover instructional material costs.

(P) Assessment investments. Each Organizational Unit shall receive \$25 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover assessment costs.

(Q) Computer technology and equipment investments. Each Organizational Unit shall receive \$285.50 per

student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover computer technology and equipment costs. For the 2018-2019 school year and subsequent school years, Organizational Units assigned to Tier 1 and Tier 2 in the prior school year shall receive an additional \$285.50 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover computer technology and equipment costs in the Organizational Unit's Adequacy Target. The State Board may establish additional requirements for Organizational Unit expenditures of funds received pursuant to this subparagraph (Q), including a requirement that funds received pursuant to this subparagraph (Q) may be used only for serving the technology needs of the district. It is the intent of Public Act 100-465 that all Tier 1 and Tier 2 districts receive the addition to their Adequacy Target in the following year, subject to compliance with the requirements of the State Board.

(R) Student activities investments. Each Organizational Unit shall receive the following funding amounts to cover student activities: \$100 per kindergarten through grade 5 ASE student in elementary school, plus \$200 per ASE student in middle school,

plus \$675 per ASE student in high school.

(S) Maintenance and operations investments. Each Organizational Unit shall receive \$1,038 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students for day-to-day maintenance and operations expenditures, including salary, supplies, and materials, as well as purchased services, but excluding employee benefits. The proportion of salary for the application of a Regionalization Factor and the calculation of benefits is equal to \$352.92.

(T) Central office investments. Each Organizational Unit shall receive \$742 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover central office operations, including administrators and classified personnel charged with managing the instructional programs, business and operations of the school district, and security personnel. The proportion of salary for the application of a Regionalization Factor and the calculation of benefits is equal to \$368.48.

(U) Employee benefit investments. Each Organizational Unit shall receive 30% of the total of all salary-calculated elements of the Adequacy Target, excluding substitute teachers and student activities

investments, to cover benefit costs. For central office and maintenance and operations investments, the benefit calculation shall be based upon the salary proportion of each investment. If at any time the responsibility for funding the employer normal cost of teacher pensions is assigned to school districts, then that amount certified by the Teachers' Retirement System of the State of Illinois to be paid by the Organizational Unit for the preceding school year shall be added to the benefit investment. For any fiscal year in which a school district organized under Article 34 of this Code is responsible for paying the employer normal cost of teacher pensions, then that amount of its employer normal cost plus the amount for retiree health insurance as certified by the Public School Teachers' Pension and Retirement Fund of Chicago to be paid by the school district for the preceding school year that is statutorily required to cover employer normal costs and the amount for retiree health insurance shall be added to the 30% specified in this subparagraph (U). The Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago shall submit such information as the State Superintendent may require for the calculations set forth in this subparagraph (U).

(V) Additional investments in low-income students. In addition to and not in lieu of all other funding under this paragraph (2), each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover the costs of:

(i) one FTE intervention teacher (tutor) position for every 125 Low-Income Count students;

(ii) one FTE pupil support staff position for every 125 Low-Income Count students;

(iii) one FTE extended day teacher position for every 120 Low-Income Count students; and

(iv) one FTE summer school teacher position for every 120 Low-Income Count students.

(W) Additional investments in English learner students. In addition to and not in lieu of all other funding under this paragraph (2), each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover the costs of:

(i) one FTE intervention teacher (tutor) position for every 125 English learner students;

(ii) one FTE pupil support staff position for every 125 English learner students;

(iii) one FTE extended day teacher position for every 120 English learner students;

(iv) one FTE summer school teacher position

for every 120 English learner students; and

(v) one FTE core teacher position for every 100 English learner students.

(X) Special education investments. Each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover special education as follows:

(i) one FTE teacher position for every 141 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students;

(ii) one FTE instructional assistant for every 141 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students; and

(iii) one FTE psychologist position for every 1,000 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students.

(3) For calculating the salaries included within the Essential Elements, the State Superintendent shall annually calculate average salaries to the nearest dollar using the employment information system data maintained by the State Board, limited to public schools only and excluding special education and vocational cooperatives, schools operated by the Department of Juvenile Justice,

and charter schools, for the following positions:

- (A) Teacher for grades K through 8.
- (B) Teacher for grades 9 through 12.
- (C) Teacher for grades K through 12.
- (D) School counselor for grades K through 8.
- (E) School counselor for grades 9 through 12.
- (F) School counselor for grades K through 12.
- (G) Social worker.
- (H) Psychologist.
- (I) Librarian.
- (J) Nurse.
- (K) Principal.
- (L) Assistant principal.

For the purposes of this paragraph (3), "teacher" includes core teachers, specialist and elective teachers, instructional facilitators, tutors, special education teachers, pupil support staff teachers, English learner teachers, extended day teachers, and summer school teachers. Where specific grade data is not required for the Essential Elements, the average salary for corresponding positions shall apply. For substitute teachers, the average teacher salary for grades K through 12 shall apply.

For calculating the salaries included within the Essential Elements for positions not included within EIS Data, the following salaries shall be used in the first

year of implementation of Evidence-Based Funding:

(i) school site staff, \$30,000; and

(ii) non-instructional assistant, instructional assistant, library aide, library media tech, or supervisory aide: \$25,000.

In the second and subsequent years of implementation of Evidence-Based Funding, the amounts in items (i) and (ii) of this paragraph (3) shall annually increase by the ECI.

The salary amounts for the Essential Elements determined pursuant to subparagraphs (A) through (L), (S) and (T), and (V) through (X) of paragraph (2) of subsection (b) of this Section shall be multiplied by a Regionalization Factor.

(c) Local Capacity calculation.

(1) Each Organizational Unit's Local Capacity represents an amount of funding it is assumed to contribute toward its Adequacy Target for purposes of the Evidence-Based Funding formula calculation. "Local Capacity" means either (i) the Organizational Unit's Local Capacity Target as calculated in accordance with paragraph (2) of this subsection (c) if its Real Receipts are equal to or less than its Local Capacity Target or (ii) the Organizational Unit's Adjusted Local Capacity, as calculated in accordance with paragraph (3) of this subsection (c) if Real Receipts are more than its Local

Capacity Target.

(2) "Local Capacity Target" means, for an Organizational Unit, that dollar amount that is obtained by multiplying its Adequacy Target by its Local Capacity Ratio.

(A) An Organizational Unit's Local Capacity Percentage is the conversion of the Organizational Unit's Local Capacity Ratio, as such ratio is determined in accordance with subparagraph (B) of this paragraph (2), into a cumulative distribution resulting in a percentile ranking to determine each Organizational Unit's relative position to all other Organizational Units in this State. The calculation of Local Capacity Percentage is described in subparagraph (C) of this paragraph (2).

(B) An Organizational Unit's Local Capacity Ratio in a given year is the percentage obtained by dividing its Adjusted EAV or PTELL EAV, whichever is less, by its Adequacy Target, with the resulting ratio further adjusted as follows:

(i) for Organizational Units serving grades kindergarten through 12 and Hybrid Districts, no further adjustments shall be made;

(ii) for Organizational Units serving grades kindergarten through 8, the ratio shall be multiplied by 9/13;

(iii) for Organizational Units serving grades 9 through 12, the Local Capacity Ratio shall be multiplied by $4/13$; and

(iv) for an Organizational Unit with a different grade configuration than those specified in items (i) through (iii) of this subparagraph (B), the State Superintendent shall determine a comparable adjustment based on the grades served.

(C) The Local Capacity Percentage is equal to the percentile ranking of the district. Local Capacity Percentage converts each Organizational Unit's Local Capacity Ratio to a cumulative distribution resulting in a percentile ranking to determine each Organizational Unit's relative position to all other Organizational Units in this State. The Local Capacity Percentage cumulative distribution resulting in a percentile ranking for each Organizational Unit shall be calculated using the standard normal distribution of the score in relation to the weighted mean and weighted standard deviation and Local Capacity Ratios of all Organizational Units. If the value assigned to any Organizational Unit is in excess of 90%, the value shall be adjusted to 90%. For Laboratory Schools, the Local Capacity Percentage shall be set at 10% in recognition of the absence of EAV and resources from the public university that are allocated to the

Laboratory School. For programs operated by a regional office of education or an intermediate service center, the Local Capacity Percentage must be set at 10% in recognition of the absence of EAV and resources from school districts that are allocated to the regional office of education or intermediate service center. The weighted mean for the Local Capacity Percentage shall be determined by multiplying each Organizational Unit's Local Capacity Ratio times the ASE for the unit creating a weighted value, summing the weighted values of all Organizational Units, and dividing by the total ASE of all Organizational Units. The weighted standard deviation shall be determined by taking the square root of the weighted variance of all Organizational Units' Local Capacity Ratio, where the variance is calculated by squaring the difference between each unit's Local Capacity Ratio and the weighted mean, then multiplying the variance for each unit times the ASE for the unit to create a weighted variance for each unit, then summing all units' weighted variance and dividing by the total ASE of all units.

(D) For any Organizational Unit, the Organizational Unit's Adjusted Local Capacity Target shall be reduced by either (i) the school board's remaining contribution pursuant to paragraph (ii) of subsection (b-4) of Section 16-158 of the Illinois

Pension Code in a given year or (ii) the board of education's remaining contribution pursuant to paragraph (iv) of subsection (b) of Section 17-129 of the Illinois Pension Code absent the employer normal cost portion of the required contribution and amount allowed pursuant to subdivision (3) of Section 17-142.1 of the Illinois Pension Code in a given year. In the preceding sentence, item (i) shall be certified to the State Board of Education by the Teachers' Retirement System of the State of Illinois and item (ii) shall be certified to the State Board of Education by the Public School Teachers' Pension and Retirement Fund of the City of Chicago.

(3) If an Organizational Unit's Real Receipts are more than its Local Capacity Target, then its Local Capacity shall equal an Adjusted Local Capacity Target as calculated in accordance with this paragraph (3). The Adjusted Local Capacity Target is calculated as the sum of the Organizational Unit's Local Capacity Target and its Real Receipts Adjustment. The Real Receipts Adjustment equals the Organizational Unit's Real Receipts less its Local Capacity Target, with the resulting figure multiplied by the Local Capacity Percentage.

As used in this paragraph (3), "Real Percent of Adequacy" means the sum of an Organizational Unit's Real Receipts, CPPRT, and Base Funding Minimum, with the

resulting figure divided by the Organizational Unit's Adequacy Target.

(d) Calculation of Real Receipts, EAV, and Adjusted EAV for purposes of the Local Capacity calculation.

(1) An Organizational Unit's Real Receipts are the product of its Applicable Tax Rate and its Adjusted EAV. An Organizational Unit's Applicable Tax Rate is its Adjusted Operating Tax Rate for property within the Organizational Unit.

(2) The State Superintendent shall calculate the equalized assessed valuation, or EAV, of all taxable property of each Organizational Unit as of September 30 of the previous year in accordance with paragraph (3) of this subsection (d). The State Superintendent shall then determine the Adjusted EAV of each Organizational Unit in accordance with paragraph (4) of this subsection (d), which Adjusted EAV figure shall be used for the purposes of calculating Local Capacity.

(3) To calculate Real Receipts and EAV, the Department of Revenue shall supply to the State Superintendent the value as equalized or assessed by the Department of Revenue of all taxable property of every Organizational Unit, together with (i) the applicable tax rate used in extending taxes for the funds of the Organizational Unit as of September 30 of the previous year and (ii) the limiting rate for all Organizational Units subject to

property tax extension limitations as imposed under PTELL.

(A) The Department of Revenue shall add to the equalized assessed value of all taxable property of each Organizational Unit situated entirely or partially within a county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code (i) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 of the Property Tax Code for real property situated in that Organizational Unit exceeds the total amount that would have been allowed in that Organizational Unit if the maximum reduction under Section 15-176 was (I) \$4,500 in Cook County or \$3,500 in all other counties in tax year 2003 or (II) \$5,000 in all counties in tax year 2004 and thereafter and (ii) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of \$30,000 or less. The county clerk of any county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each Organizational Unit all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the

Property Tax Code for owners with a household income of \$30,000 or less. It is the intent of this subparagraph (A) that if the general homestead exemption for a parcel of property is determined under Section 15-176 or 15-177 of the Property Tax Code rather than Section 15-175, then the calculation of EAV shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 or 15-177 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this subparagraph (A) that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than \$30,000, then the calculation of EAV shall not be affected by the difference, if any, because of those additional exemptions.

(B) With respect to any part of an Organizational Unit within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Division 74.4 of Article 11 of the Illinois Municipal Code, or the Industrial

Jobs Recovery Law, Division 74.6 of Article 11 of the Illinois Municipal Code, no part of the current EAV of real property located in any such project area that is attributable to an increase above the total initial EAV of such property shall be used as part of the EAV of the Organizational Unit, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the EAV of the Organizational Unit, the total initial EAV or the current EAV, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(B-5) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value, as equalized or assessed by the Department of Revenue, for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a)

of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (B-5).

(C) For Organizational Units that are Hybrid Districts, the State Superintendent shall use the lesser of the adjusted equalized assessed valuation for property within the partial elementary unit district for elementary purposes, as defined in Article 11E of this Code, or the adjusted equalized assessed valuation for property within the partial elementary unit district for high school purposes, as defined in Article 11E of this Code.

(D) If a school district's boundaries span multiple counties, then the Department of Revenue shall send to the State Board, for the purposes of calculating Evidence-Based Funding, the limiting rate and individual rates by purpose for the county that contains the majority of the school district's equalized assessed valuation.

(4) An Organizational Unit's Adjusted EAV shall be the average of its EAV over the immediately preceding 3 years or the lesser of its EAV in the immediately preceding year or the average of its EAV over the immediately preceding 3 years if the EAV in the immediately preceding year has declined by 10% or more when comparing the 2 most recent years. In the event of Organizational Unit reorganization,

consolidation, or annexation, the Organizational Unit's Adjusted EAV for the first 3 years after such change shall be as follows: the most current EAV shall be used in the first year, the average of a 2-year EAV or its EAV in the immediately preceding year if the EAV declines by 10% or more when comparing the 2 most recent years for the second year, and the lesser of a 3-year average EAV or its EAV in the immediately preceding year if the Adjusted EAV declines by 10% or more when comparing the 2 most recent years for the third year. For any school district whose EAV in the immediately preceding year is used in calculations, in the following year, the Adjusted EAV shall be the average of its EAV over the immediately preceding 2 years or the immediately preceding year if that year represents a decline of 10% or more when comparing the 2 most recent years.

"PTELL EAV" means a figure calculated by the State Board for Organizational Units subject to PTELL as described in this paragraph (4) for the purposes of calculating an Organizational Unit's Local Capacity Ratio. Except as otherwise provided in this paragraph (4), the PTELL EAV of an Organizational Unit shall be equal to the product of the equalized assessed valuation last used in the calculation of general State aid under Section 18-8.05 of this Code (now repealed) or Evidence-Based Funding under this Section and the Organizational Unit's Extension

Limitation Ratio. If an Organizational Unit has approved or does approve an increase in its limiting rate, pursuant to Section 18-190 of the Property Tax Code, affecting the Base Tax Year, the PTELL EAV shall be equal to the product of the equalized assessed valuation last used in the calculation of general State aid under Section 18-8.05 of this Code (now repealed) or Evidence-Based Funding under this Section multiplied by an amount equal to one plus the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12-month calendar year preceding the Base Tax Year, plus the equalized assessed valuation of new property, annexed property, and recovered tax increment value and minus the equalized assessed valuation of disconnected property.

As used in this paragraph (4), "new property" and "recovered tax increment value" shall have the meanings set forth in the Property Tax Extension Limitation Law.

(e) Base Funding Minimum calculation.

(1) For the 2017-2018 school year, the Base Funding Minimum of an Organizational Unit or a Specially Funded Unit shall be the amount of State funds distributed to the Organizational Unit or Specially Funded Unit during the 2016-2017 school year prior to any adjustments and specified appropriation amounts described in this paragraph (1) from the following Sections, as calculated

by the State Superintendent: Section 18-8.05 of this Code (now repealed); Section 5 of Article 224 of Public Act 99-524 (equity grants); Section 14-7.02b of this Code (funding for children requiring special education services); Section 14-13.01 of this Code (special education facilities and staffing), except for reimbursement of the cost of transportation pursuant to Section 14-13.01; Section 14C-12 of this Code (English learners); and Section 18-4.3 of this Code (summer school), based on an appropriation level of \$13,121,600. For a school district organized under Article 34 of this Code, the Base Funding Minimum also includes (i) the funds allocated to the school district pursuant to Section 1D-1 of this Code attributable to funding programs authorized by the Sections of this Code listed in the preceding sentence and (ii) the difference between (I) the funds allocated to the school district pursuant to Section 1D-1 of this Code attributable to the funding programs authorized by Section 14-7.02 (non-public special education reimbursement), subsection (b) of Section 14-13.01 (special education transportation), Section 29-5 (transportation), Section 2-3.80 (agricultural education), Section 2-3.66 (truants' alternative education), Section 2-3.62 (educational service centers), and Section 14-7.03 (special education - orphanage) of this Code and Section 15 of the Childhood Hunger Relief

Act (free breakfast program) and (II) the school district's actual expenditures for its non-public special education, special education transportation, transportation programs, agricultural education, truants' alternative education, services that would otherwise be performed by a regional office of education, special education orphanage expenditures, and free breakfast, as most recently calculated and reported pursuant to subsection (f) of Section 1D-1 of this Code. The Base Funding Minimum for Glenwood Academy shall be \$625,500. For programs operated by a regional office of education or an intermediate service center, the Base Funding Minimum must be the total amount of State funds allocated to those programs in the 2018-2019 school year and amounts provided pursuant to Article 34 of Public Act 100-586 and Section 3-16 of this Code. All programs established after June 5, 2019 (the effective date of Public Act 101-10) and administered by a regional office of education or an intermediate service center must have an initial Base Funding Minimum set to an amount equal to the first-year ASE multiplied by the amount of per pupil funding received in the previous school year by the lowest funded similar existing program type. If the enrollment for a program operated by a regional office of education or an intermediate service center is zero, then it may not receive Base Funding Minimum funds for that program in the

next fiscal year, and those funds must be distributed to Organizational Units under subsection (g).

(2) For the 2018-2019 and subsequent school years, the Base Funding Minimum of Organizational Units and Specially Funded Units shall be the sum of (i) the amount of Evidence-Based Funding for the prior school year, (ii) the Base Funding Minimum for the prior school year, and (iii) any amount received by a school district pursuant to Section 7 of Article 97 of Public Act 100-21.

For the 2022-2023 school year, the Base Funding Minimum of Organizational Units shall be the amounts recalculated by the State Board of Education for Fiscal Year 2019 through Fiscal Year 2022 that were necessary due to average student enrollment errors for districts organized under Article 34 of this Code, plus the Fiscal Year 2022 property tax relief grants provided under Section 2-3.170 of this Code, ensuring each Organizational Unit has the correct amount of resources for Fiscal Year 2023 Evidence-Based Funding calculations and that Fiscal Year 2023 Evidence-Based Funding Distributions are made in accordance with this Section.

(3) Subject to approval by the General Assembly as provided in this paragraph (3), an Organizational Unit that meets all of the following criteria, as determined by the State Board, shall have District Intervention Money added to its Base Funding Minimum at the time the Base

Funding Minimum is calculated by the State Board:

(A) The Organizational Unit is operating under an Independent Authority under Section 2-3.25f-5 of this Code for a minimum of 4 school years or is subject to the control of the State Board pursuant to a court order for a minimum of 4 school years.

(B) The Organizational Unit was designated as a Tier 1 or Tier 2 Organizational Unit in the previous school year under paragraph (3) of subsection (g) of this Section.

(C) The Organizational Unit demonstrates sustainability through a 5-year financial and strategic plan.

(D) The Organizational Unit has made sufficient progress and achieved sufficient stability in the areas of governance, academic growth, and finances.

As part of its determination under this paragraph (3), the State Board may consider the Organizational Unit's summative designation, any accreditations of the Organizational Unit, or the Organizational Unit's financial profile, as calculated by the State Board.

If the State Board determines that an Organizational Unit has met the criteria set forth in this paragraph (3), it must submit a report to the General Assembly, no later than January 2 of the fiscal year in which the State Board makes its determination, on the amount of District

Intervention Money to add to the Organizational Unit's Base Funding Minimum. The General Assembly must review the State Board's report and may approve or disapprove, by joint resolution, the addition of District Intervention Money. If the General Assembly fails to act on the report within 40 calendar days from the receipt of the report, the addition of District Intervention Money is deemed approved. If the General Assembly approves the amount of District Intervention Money to be added to the Organizational Unit's Base Funding Minimum, the District Intervention Money must be added to the Base Funding Minimum annually thereafter.

For the first 4 years following the initial year that the State Board determines that an Organizational Unit has met the criteria set forth in this paragraph (3) and has received funding under this Section, the Organizational Unit must annually submit to the State Board, on or before November 30, a progress report regarding its financial and strategic plan under subparagraph (C) of this paragraph (3). The plan shall include the financial data from the past 4 annual financial reports or financial audits that must be presented to the State Board by November 15 of each year and the approved budget financial data for the current year. The plan shall be developed according to the guidelines presented to the Organizational Unit by the State Board. The plan shall further include financial

projections for the next 3 fiscal years and include a discussion and financial summary of the Organizational Unit's facility needs. If the Organizational Unit does not demonstrate sufficient progress toward its 5-year plan or if it has failed to file an annual financial report, an annual budget, a financial plan, a deficit reduction plan, or other financial information as required by law, the State Board may establish a Financial Oversight Panel under Article 1H of this Code. However, if the Organizational Unit already has a Financial Oversight Panel, the State Board may extend the duration of the Panel.

(f) Percent of Adequacy and Final Resources calculation.

(1) The Evidence-Based Funding formula establishes a Percent of Adequacy for each Organizational Unit in order to place such units into tiers for the purposes of the funding distribution system described in subsection (g) of this Section. Initially, an Organizational Unit's Preliminary Resources and Preliminary Percent of Adequacy are calculated pursuant to paragraph (2) of this subsection (f). Then, an Organizational Unit's Final Resources and Final Percent of Adequacy are calculated to account for the Organizational Unit's poverty concentration levels pursuant to paragraphs (3) and (4) of this subsection (f).

(2) An Organizational Unit's Preliminary Resources are

equal to the sum of its Local Capacity Target, CPPRT, and Base Funding Minimum. An Organizational Unit's Preliminary Percent of Adequacy is the lesser of (i) its Preliminary Resources divided by its Adequacy Target or (ii) 100%.

(3) Except for Specially Funded Units, an Organizational Unit's Final Resources are equal to the sum of its Local Capacity, CPPRT, and Adjusted Base Funding Minimum. The Base Funding Minimum of each Specially Funded Unit shall serve as its Final Resources, except that the Base Funding Minimum for State-approved charter schools shall not include any portion of general State aid allocated in the prior year based on the per capita tuition charge times the charter school enrollment.

(4) An Organizational Unit's Final Percent of Adequacy is its Final Resources divided by its Adequacy Target. An Organizational Unit's Adjusted Base Funding Minimum is equal to its Base Funding Minimum less its Supplemental Grant Funding, with the resulting figure added to the product of its Supplemental Grant Funding and Preliminary Percent of Adequacy.

(g) Evidence-Based Funding formula distribution system.

(1) In each school year under the Evidence-Based Funding formula, each Organizational Unit receives funding equal to the sum of its Base Funding Minimum and the unit's allocation of New State Funds determined pursuant to this subsection (g). To allocate New State Funds, the

Evidence-Based Funding formula distribution system first places all Organizational Units into one of 4 tiers in accordance with paragraph (3) of this subsection (g), based on the Organizational Unit's Final Percent of Adequacy. New State Funds are allocated to each of the 4 tiers as follows: Tier 1 Aggregate Funding equals 50% of all New State Funds, Tier 2 Aggregate Funding equals 49% of all New State Funds, Tier 3 Aggregate Funding equals 0.9% of all New State Funds, and Tier 4 Aggregate Funding equals 0.1% of all New State Funds. Each Organizational Unit within Tier 1 or Tier 2 receives an allocation of New State Funds equal to its tier Funding Gap, as defined in the following sentence, multiplied by the tier's Allocation Rate determined pursuant to paragraph (4) of this subsection (g). For Tier 1, an Organizational Unit's Funding Gap equals the tier's Target Ratio, as specified in paragraph (5) of this subsection (g), multiplied by the Organizational Unit's Adequacy Target, with the resulting amount reduced by the Organizational Unit's Final Resources. For Tier 2, an Organizational Unit's Funding Gap equals the tier's Target Ratio, as described in paragraph (5) of this subsection (g), multiplied by the Organizational Unit's Adequacy Target, with the resulting amount reduced by the Organizational Unit's Final Resources and its Tier 1 funding allocation. To determine the Organizational Unit's Funding Gap, the resulting

amount is then multiplied by a factor equal to one minus the Organizational Unit's Local Capacity Target percentage. Each Organizational Unit within Tier 3 or Tier 4 receives an allocation of New State Funds equal to the product of its Adequacy Target and the tier's Allocation Rate, as specified in paragraph (4) of this subsection (g).

(2) To ensure equitable distribution of dollars for all Tier 2 Organizational Units, no Tier 2 Organizational Unit shall receive fewer dollars per ASE than any Tier 3 Organizational Unit. Each Tier 2 and Tier 3 Organizational Unit shall have its funding allocation divided by its ASE. Any Tier 2 Organizational Unit with a funding allocation per ASE below the greatest Tier 3 allocation per ASE shall get a funding allocation equal to the greatest Tier 3 funding allocation per ASE multiplied by the Organizational Unit's ASE. Each Tier 2 Organizational Unit's Tier 2 funding allocation shall be multiplied by the percentage calculated by dividing the original Tier 2 Aggregate Funding by the sum of all Tier 2 Organizational Units' Tier 2 funding allocation after adjusting districts' funding below Tier 3 levels.

(3) Organizational Units are placed into one of 4 tiers as follows:

(A) Tier 1 consists of all Organizational Units, except for Specially Funded Units, with a Percent of

Adequacy less than the Tier 1 Target Ratio. The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed, with the Tier 1 Allocation Rate determined pursuant to paragraph (4) of this subsection (g).

(B) Tier 2 consists of all Tier 1 Units and all other Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of less than 0.90.

(C) Tier 3 consists of all Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of at least 0.90 and less than 1.0.

(D) Tier 4 consists of all Organizational Units with a Percent of Adequacy of at least 1.0.

(4) The Allocation Rates for Tiers 1 through 4 are determined as follows:

(A) The Tier 1 Allocation Rate is 30%.

(B) The Tier 2 Allocation Rate is the result of the following equation: Tier 2 Aggregate Funding, divided by the sum of the Funding Gaps for all Tier 2 Organizational Units, unless the result of such equation is higher than 1.0. If the result of such equation is higher than 1.0, then the Tier 2 Allocation Rate is 1.0.

(C) The Tier 3 Allocation Rate is the result of the following equation: Tier 3 Aggregate Funding, divided

by the sum of the Adequacy Targets of all Tier 3 Organizational Units.

(D) The Tier 4 Allocation Rate is the result of the following equation: Tier 4 Aggregate Funding, divided by the sum of the Adequacy Targets of all Tier 4 Organizational Units.

(5) A tier's Target Ratio is determined as follows:

(A) The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed with the Tier 1 Allocation Rate.

(B) The Tier 2 Target Ratio is 0.90.

(C) The Tier 3 Target Ratio is 1.0.

(6) If, at any point, the Tier 1 Target Ratio is greater than 90%, then all Tier 1 funding shall be allocated to Tier 2 and no Tier 1 Organizational Unit's funding may be identified.

(7) In the event that all Tier 2 Organizational Units receive funding at the Tier 2 Target Ratio level, any remaining New State Funds shall be allocated to Tier 3 and Tier 4 Organizational Units.

(8) If any Specially Funded Units, excluding Glenwood Academy, recognized by the State Board do not qualify for direct funding following the implementation of Public Act 100-465 from any of the funding sources included within the definition of Base Funding Minimum, the unqualified portion of the Base Funding Minimum shall be transferred

to one or more appropriate Organizational Units as determined by the State Superintendent based on the prior year ASE of the Organizational Units.

(8.5) If a school district withdraws from a special education cooperative, the portion of the Base Funding Minimum that is attributable to the school district may be redistributed to the school district upon withdrawal. The school district and the cooperative must include the amount of the Base Funding Minimum that is to be reapportioned in their withdrawal agreement and notify the State Board of the change with a copy of the agreement upon withdrawal.

(9) The Minimum Funding Level is intended to establish a target for State funding that will keep pace with inflation and continue to advance equity through the Evidence-Based Funding formula. The target for State funding of New Property Tax Relief Pool Funds is \$50,000,000 for State fiscal year 2019 and subsequent State fiscal years. The Minimum Funding Level is equal to \$350,000,000. In addition to any New State Funds, no more than \$50,000,000 New Property Tax Relief Pool Funds may be counted toward the Minimum Funding Level. If the sum of New State Funds and applicable New Property Tax Relief Pool Funds are less than the Minimum Funding Level, than funding for tiers shall be reduced in the following manner:

(A) First, Tier 4 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds until such time as Tier 4 funding is exhausted.

(B) Next, Tier 3 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds and the reduction in Tier 4 funding until such time as Tier 3 funding is exhausted.

(C) Next, Tier 2 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds and the reduction in Tier 4 and Tier 3.

(D) Finally, Tier 1 funding shall be reduced by an amount equal to the difference between the Minimum Funding level and New State Funds and the reduction in Tier 2, 3, and 4 funding. In addition, the Allocation Rate for Tier 1 shall be reduced to a percentage equal to the Tier 1 Allocation Rate set by paragraph (4) of this subsection (g), multiplied by the result of New State Funds divided by the Minimum Funding Level.

(9.5) For State fiscal year 2019 and subsequent State fiscal years, if New State Funds exceed \$300,000,000, then any amount in excess of \$300,000,000 shall be dedicated for purposes of Section 2-3.170 of this Code up to a maximum of \$50,000,000.

(10) In the event of a decrease in the amount of the appropriation for this Section in any fiscal year after implementation of this Section, the Organizational Units receiving Tier 1 and Tier 2 funding, as determined under paragraph (3) of this subsection (g), shall be held harmless by establishing a Base Funding Guarantee equal to the per pupil kindergarten through grade 12 funding received in accordance with this Section in the prior fiscal year. Reductions shall be made to the Base Funding Minimum of Organizational Units in Tier 3 and Tier 4 on a per pupil basis equivalent to the total number of the ASE in Tier 3-funded and Tier 4-funded Organizational Units divided by the total reduction in State funding. The Base Funding Minimum as reduced shall continue to be applied to Tier 3 and Tier 4 Organizational Units and adjusted by the relative formula when increases in appropriations for this Section resume. In no event may State funding reductions to Organizational Units in Tier 3 or Tier 4 exceed an amount that would be less than the Base Funding Minimum established in the first year of implementation of this Section. If additional reductions are required, all school districts shall receive a reduction by a per pupil amount equal to the aggregate additional appropriation reduction divided by the total ASE of all Organizational Units.

(11) The State Superintendent shall make minor adjustments to the distribution formula set forth in this

subsection (g) to account for the rounding of percentages to the nearest tenth of a percentage and dollar amounts to the nearest whole dollar.

(h) State Superintendent administration of funding and district submission requirements.

(1) The State Superintendent shall, in accordance with appropriations made by the General Assembly, meet the funding obligations created under this Section.

(2) The State Superintendent shall calculate the Adequacy Target for each Organizational Unit under this Section. No Evidence-Based Funding shall be distributed within an Organizational Unit without the approval of the unit's school board.

(3) Annually, the State Superintendent shall calculate and report to each Organizational Unit the unit's aggregate financial adequacy amount, which shall be the sum of the Adequacy Target for each Organizational Unit. The State Superintendent shall calculate and report separately for each Organizational Unit the unit's total State funds allocated for its students with disabilities. The State Superintendent shall calculate and report separately for each Organizational Unit the amount of funding and applicable FTE calculated for each Essential Element of the unit's Adequacy Target.

(4) Annually, the State Superintendent shall calculate and report to each Organizational Unit the amount the unit

must expend on special education and bilingual education and computer technology and equipment for Organizational Units assigned to Tier 1 or Tier 2 that received an additional \$285.50 per student computer technology and equipment investment grant to their Adequacy Target pursuant to the unit's Base Funding Minimum, Special Education Allocation, Bilingual Education Allocation, and computer technology and equipment investment allocation.

(5) Moneys distributed under this Section shall be calculated on a school year basis, but paid on a fiscal year basis, with payments beginning in August and extending through June. Unless otherwise provided, the moneys appropriated for each fiscal year shall be distributed in 22 equal payments at least 2 times monthly to each Organizational Unit. If moneys appropriated for any fiscal year are distributed other than monthly, the distribution shall be on the same basis for each Organizational Unit.

(6) Any school district that fails, for any given school year, to maintain school as required by law or to maintain a recognized school is not eligible to receive Evidence-Based Funding. In case of non-recognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion that the enrollment in the attendance center or centers bears to the enrollment

of the school district. "Recognized school" means any public school that meets the standards for recognition by the State Board. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim that was filed while it was recognized.

(7) School district claims filed under this Section are subject to Sections 18-9 and 18-12 of this Code, except as otherwise provided in this Section.

(8) Each fiscal year, the State Superintendent shall calculate for each Organizational Unit an amount of its Base Funding Minimum and Evidence-Based Funding that shall be deemed attributable to the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, in a manner that ensures compliance with maintenance of State financial support requirements under the federal Individuals with Disabilities Education Act. An Organizational Unit must use such funds only for the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, and must comply with any expenditure verification procedures adopted by the State Board.

(9) All Organizational Units in this State must submit annual spending plans, as part of the budget submission process, no later than October 31 of each year to the State Board. ~~The spending plan by the end of September of each~~

~~year to the State Board as part of the annual budget process, which~~ shall describe how each Organizational Unit will utilize the Base Funding Minimum and Evidence-Based Funding it receives from this State under this Section with specific identification of the intended utilization of Low-Income, English learner, and special education resources. Additionally, the annual spending plans of each Organizational Unit shall describe how the Organizational Unit expects to achieve student growth and how the Organizational Unit will achieve State education goals, as defined by the State Board. The State Superintendent may, from time to time, identify additional requisites for Organizational Units to satisfy when compiling the annual spending plans required under this subsection (h). The format and scope of annual spending plans shall be developed by the State Superintendent and the State Board of Education. School districts that serve students under Article 14C of this Code shall continue to submit information as required under Section 14C-12 of this Code.

(10) No later than January 1, 2018, the State Superintendent shall develop a 5-year strategic plan for all Organizational Units to help in planning for adequacy funding under this Section. The State Superintendent shall submit the plan to the Governor and the General Assembly, as provided in Section 3.1 of the General Assembly Organization Act. The plan shall include recommendations

for:

(A) a framework for collaborative, professional, innovative, and 21st century learning environments using the Evidence-Based Funding model;

(B) ways to prepare and support this State's educators for successful instructional careers;

(C) application and enhancement of the current financial accountability measures, the approved State plan to comply with the federal Every Student Succeeds Act, and the Illinois Balanced Accountability Measures in relation to student growth and elements of the Evidence-Based Funding model; and

(D) implementation of an effective school adequacy funding system based on projected and recommended funding levels from the General Assembly.

(11) On an annual basis, the State Superintendent must recalibrate all of the following per pupil elements of the Adequacy Target and applied to the formulas, based on the study of average expenses and as reported in the most recent annual financial report:

(A) Gifted under subparagraph (M) of paragraph (2) of subsection (b).

(B) Instructional materials under subparagraph (O) of paragraph (2) of subsection (b).

(C) Assessment under subparagraph (P) of paragraph (2) of subsection (b).

(D) Student activities under subparagraph (R) of paragraph (2) of subsection (b).

(E) Maintenance and operations under subparagraph (S) of paragraph (2) of subsection (b).

(F) Central office under subparagraph (T) of paragraph (2) of subsection (b).

(i) Professional Review Panel.

(1) A Professional Review Panel is created to study and review topics related to the implementation and effect of Evidence-Based Funding, as assigned by a joint resolution or Public Act of the General Assembly or a motion passed by the State Board of Education. The Panel must provide recommendations to and serve the Governor, the General Assembly, and the State Board. The State Superintendent or his or her designee must serve as a voting member and chairperson of the Panel. The State Superintendent must appoint a vice chairperson from the membership of the Panel. The Panel must advance recommendations based on a three-fifths majority vote of Panel members present and voting. A minority opinion may also accompany any recommendation of the Panel. The Panel shall be appointed by the State Superintendent, except as otherwise provided in paragraph (2) of this subsection (i) and include the following members:

(A) Two appointees that represent district superintendents, recommended by a statewide

organization that represents district superintendents.

(B) Two appointees that represent school boards, recommended by a statewide organization that represents school boards.

(C) Two appointees from districts that represent school business officials, recommended by a statewide organization that represents school business officials.

(D) Two appointees that represent school principals, recommended by a statewide organization that represents school principals.

(E) Two appointees that represent teachers, recommended by a statewide organization that represents teachers.

(F) Two appointees that represent teachers, recommended by another statewide organization that represents teachers.

(G) Two appointees that represent regional superintendents of schools, recommended by organizations that represent regional superintendents.

(H) Two independent experts selected solely by the State Superintendent.

(I) Two independent experts recommended by public universities in this State.

(J) One member recommended by a statewide organization that represents parents.

(K) Two representatives recommended by collective impact organizations that represent major metropolitan areas or geographic areas in Illinois.

(L) One member from a statewide organization focused on research-based education policy to support a school system that prepares all students for college, a career, and democratic citizenship.

(M) One representative from a school district organized under Article 34 of this Code.

The State Superintendent shall ensure that the membership of the Panel includes representatives from school districts and communities reflecting the geographic, socio-economic, racial, and ethnic diversity of this State. The State Superintendent shall additionally ensure that the membership of the Panel includes representatives with expertise in bilingual education and special education. Staff from the State Board shall staff the Panel.

(2) In addition to those Panel members appointed by the State Superintendent, 4 members of the General Assembly shall be appointed as follows: one member of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the Senate appointed by the President of the Senate, one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, and one member of

the Senate appointed by the Minority Leader of the Senate. There shall be one additional member appointed by the Governor. All members appointed by legislative leaders or the Governor shall be non-voting, ex officio members.

(3) The Panel must study topics at the direction of the General Assembly or State Board of Education, as provided under paragraph (1). The Panel may also study the following topics at the direction of the chairperson:

(A) The format and scope of annual spending plans referenced in paragraph (9) of subsection (h) of this Section.

(B) The Comparable Wage Index under this Section.

(C) Maintenance and operations, including capital maintenance and construction costs.

(D) "At-risk student" definition.

(E) Benefits.

(F) Technology.

(G) Local Capacity Target.

(H) Funding for Alternative Schools, Laboratory Schools, safe schools, and alternative learning opportunities programs.

(I) Funding for college and career acceleration strategies.

(J) Special education investments.

(K) Early childhood investments, in collaboration with the Illinois Early Learning Council.

(4) (Blank).

(5) Within 5 years after the implementation of this Section, and every 5 years thereafter, the Panel shall complete an evaluative study of the entire Evidence-Based Funding model, including an assessment of whether or not the formula is achieving State goals. The Panel shall report to the State Board, the General Assembly, and the Governor on the findings of the study.

(6) (Blank).

(7) To ensure that (i) the Adequacy Target calculation under subsection (b) accurately reflects the needs of students living in poverty or attending schools located in areas of high poverty, (ii) racial equity within the Evidence-Based Funding formula is explicitly explored and advanced, and (iii) the funding goals of the formula distribution system established under this Section are sufficient to provide adequate funding for every student and to fully fund every school in this State, the Panel shall review the Essential Elements under paragraph (2) of subsection (b). The Panel shall consider all of the following in its review:

(A) The financial ability of school districts to provide instruction in a foreign language to every student and whether an additional Essential Element should be added to the formula to ensure that every student has access to instruction in a foreign

language.

(B) The adult-to-student ratio for each Essential Element in which a ratio is identified. The Panel shall consider whether the ratio accurately reflects the staffing needed to support students living in poverty or who have traumatic backgrounds.

(C) Changes to the Essential Elements that may be required to better promote racial equity and eliminate structural racism within schools.

(D) The impact of investing \$350,000,000 in additional funds each year under this Section and an estimate of when the school system will become fully funded under this level of appropriation.

(E) Provide an overview of alternative funding structures that would enable the State to become fully funded at an earlier date.

(F) The potential to increase efficiency and to find cost savings within the school system to expedite the journey to a fully funded system.

(G) The appropriate levels for reenrolling and graduating high-risk high school students who have been previously out of school. These outcomes shall include enrollment, attendance, skill gains, credit gains, graduation or promotion to the next grade level, and the transition to college, training, or employment, with an emphasis on progressively

increasing the overall attendance.

(H) The evidence-based or research-based practices that are shown to reduce the gaps and disparities experienced by African American students in academic achievement and educational performance, including practices that have been shown to reduce disparities in disciplinary rates, drop-out rates, graduation rates, college matriculation rates, and college completion rates.

On or before December 31, 2021, the Panel shall report to the State Board, the General Assembly, and the Governor on the findings of its review. This paragraph (7) is inoperative on and after July 1, 2022.

(j) References. Beginning July 1, 2017, references in other laws to general State aid funds or calculations under Section 18-8.05 of this Code (now repealed) shall be deemed to be references to evidence-based model formula funds or calculations under this Section.

(Source: P.A. 101-10, eff. 6-5-19; 101-17, eff. 6-14-19; 101-643, eff. 6-18-20; 101-654, eff. 3-8-21; 102-33, eff. 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21; 102-699, eff. 4-19-22; 102-782, eff. 1-1-23; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; revised 12-13-22.)

(105 ILCS 5/22-30)

Sec. 22-30. Self-administration and self-carry of asthma

medication and epinephrine injectors; administration of undesignated epinephrine injectors; administration of an opioid antagonist; administration of undesignated asthma medication; asthma episode emergency response protocol.

(a) For the purpose of this Section only, the following terms shall have the meanings set forth below:

"Asthma action plan" means a written plan developed with a pupil's medical provider to help control the pupil's asthma. The goal of an asthma action plan is to reduce or prevent flare-ups and emergency department visits through day-to-day management and to serve as a student-specific document to be referenced in the event of an asthma episode.

"Asthma episode emergency response protocol" means a procedure to provide assistance to a pupil experiencing symptoms of wheezing, coughing, shortness of breath, chest tightness, or breathing difficulty.

"Epinephrine injector" includes an auto-injector approved by the United States Food and Drug Administration for the administration of epinephrine and a pre-filled syringe approved by the United States Food and Drug Administration and used for the administration of epinephrine that contains a pre-measured dose of epinephrine that is equivalent to the dosages used in an auto-injector.

"Asthma medication" means quick-relief asthma medication, including albuterol or other short-acting bronchodilators, that is approved by the United States Food and Drug

Administration for the treatment of respiratory distress. "Asthma medication" includes medication delivered through a device, including a metered dose inhaler with a reusable or disposable spacer or a nebulizer with a mouthpiece or mask.

"Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

"Respiratory distress" means the perceived or actual presence of wheezing, coughing, shortness of breath, chest tightness, breathing difficulty, or any other symptoms consistent with asthma. Respiratory distress may be categorized as "mild-to-moderate" or "severe".

"School nurse" means a registered nurse working in a school with or without licensure endorsed in school nursing.

"Self-administration" means a pupil's discretionary use of his or her prescribed asthma medication or epinephrine injector.

"Self-carry" means a pupil's ability to carry his or her prescribed asthma medication or epinephrine injector.

"Standing protocol" may be issued by (i) a physician licensed to practice medicine in all its branches, (ii) a licensed physician assistant with prescriptive authority, or (iii) a licensed advanced practice registered nurse with prescriptive authority.

"Trained personnel" means any school employee or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of this Code who has completed training under subsection (g) of this Section to recognize and respond to anaphylaxis, an opioid overdose, or respiratory distress.

"Undesignated asthma medication" means asthma medication prescribed in the name of a school district, public school, charter school, or nonpublic school.

"Undesignated epinephrine injector" means an epinephrine injector prescribed in the name of a school district, public school, charter school, or nonpublic school.

(b) A school, whether public, charter, or nonpublic, must permit the self-administration and self-carry of asthma medication by a pupil with asthma or the self-administration and self-carry of an epinephrine injector by a pupil, provided that:

(1) the parents or guardians of the pupil provide to the school (i) written authorization from the parents or guardians for (A) the self-administration and self-carry of asthma medication or (B) the self-carry of asthma medication or (ii) for (A) the self-administration and self-carry of an epinephrine injector or (B) the self-carry of an epinephrine injector, written authorization from the pupil's physician, physician assistant, or advanced practice registered nurse; and

(2) the parents or guardians of the pupil provide to

the school (i) the prescription label, which must contain the name of the asthma medication, the prescribed dosage, and the time at which or circumstances under which the asthma medication is to be administered, or (ii) for the self-administration or self-carry of an epinephrine injector, a written statement from the pupil's physician, physician assistant, or advanced practice registered nurse containing the following information:

(A) the name and purpose of the epinephrine injector;

(B) the prescribed dosage; and

(C) the time or times at which or the special circumstances under which the epinephrine injector is to be administered.

The information provided shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(b-5) A school district, public school, charter school, or nonpublic school may authorize the provision of a student-specific or undesignated epinephrine injector to a student or any personnel authorized under a student's Individual Health Care Action Plan, allergy emergency action plan ~~Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form~~, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer an epinephrine injector to the student, that meets the student's

prescription on file.

(b-10) The school district, public school, charter school, or nonpublic school may authorize a school nurse or trained personnel to do the following: (i) provide an undesignated epinephrine injector to a student for self-administration only or any personnel authorized under a student's Individual Health Care Action Plan, allergy emergency action plan ~~Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form~~, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or individualized education program plan to administer to the student that meets the student's prescription on file; (ii) administer an undesignated epinephrine injector that meets the prescription on file to any student who has an Individual Health Care Action Plan, allergy emergency action plan ~~Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form~~, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or individualized education program plan that authorizes the use of an epinephrine injector; (iii) administer an undesignated epinephrine injector to any person that the school nurse or trained personnel in good faith believes is having an anaphylactic reaction; (iv) administer an opioid antagonist to any person that the school nurse or trained personnel in good faith believes is having an opioid overdose; (v) provide undesignated asthma medication to a student for self-administration only or to any personnel authorized under

a student's Individual Health Care Action Plan or asthma action plan, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or individualized education program plan to administer to the student that meets the student's prescription on file; (vi) administer undesignated asthma medication that meets the prescription on file to any student who has an Individual Health Care Action Plan or asthma action plan, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or individualized education program plan that authorizes the use of asthma medication; and (vii) administer undesignated asthma medication to any person that the school nurse or trained personnel believes in good faith is having respiratory distress.

(c) The school district, public school, charter school, or nonpublic school must inform the parents or guardians of the pupil, in writing, that the school district, public school, charter school, or nonpublic school and its employees and agents, including a physician, physician assistant, or advanced practice registered nurse providing standing protocol and a prescription for school epinephrine injectors, an opioid antagonist, or undesignated asthma medication, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the administration of asthma medication, an epinephrine injector, or an opioid antagonist regardless of whether authorization

was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice registered nurse. The parents or guardians of the pupil must sign a statement acknowledging that the school district, public school, charter school, or nonpublic school and its employees and agents are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the administration of asthma medication, an epinephrine injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice registered nurse and that the parents or guardians must indemnify and hold harmless the school district, public school, charter school, or nonpublic school and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the administration of asthma medication, an epinephrine injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice registered nurse.

(c-5) When a school nurse or trained personnel administers an undesignated epinephrine injector to a person whom the school nurse or trained personnel in good faith believes is having an anaphylactic reaction, administers an opioid antagonist to a person whom the school nurse or trained personnel in good faith believes is having an opioid overdose,

or administers undesignated asthma medication to a person whom the school nurse or trained personnel in good faith believes is having respiratory distress, notwithstanding the lack of notice to the parents or guardians of the pupil or the absence of the parents or guardians signed statement acknowledging no liability, except for willful and wanton conduct, the school district, public school, charter school, or nonpublic school and its employees and agents, and a physician, a physician assistant, or an advanced practice registered nurse providing standing protocol and a prescription for undesignated epinephrine injectors, an opioid antagonist, or undesignated asthma medication, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the use of an undesignated epinephrine injector, the use of an opioid antagonist, or the use of undesignated asthma medication, regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice registered nurse.

(d) The permission for self-administration and self-carry of asthma medication or the self-administration and self-carry of an epinephrine injector is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this Section.

(e) Provided that the requirements of this Section are

fulfilled, a pupil with asthma may self-administer and self-carry his or her asthma medication or a pupil may self-administer and self-carry an epinephrine injector (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property or while being transported on a school bus.

(e-5) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an undesignated epinephrine injector to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property or while being transported on a school bus. A school nurse or trained personnel may carry undesignated epinephrine injectors on his or her person while in school or at a school-sponsored activity.

(e-10) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an opioid antagonist to any person whom the school nurse or trained personnel in good faith believes to be having an opioid overdose (i) while in school, (ii) while at a

school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property. A school nurse or trained personnel may carry an opioid antagonist on his or her person while in school or at a school-sponsored activity.

(e-15) If the requirements of this Section are met, a school nurse or trained personnel may administer undesignated asthma medication to any person whom the school nurse or trained personnel in good faith believes to be experiencing respiratory distress (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, including before-school or after-school care on school-operated property. A school nurse or trained personnel may carry undesignated asthma medication on his or her person while in school or at a school-sponsored activity.

(f) The school district, public school, charter school, or nonpublic school may maintain a supply of undesignated epinephrine injectors in any secure location that is accessible before, during, and after school where an allergic person is most at risk, including, but not limited to, classrooms and lunchrooms. A physician, a physician assistant who has prescriptive authority in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice registered nurse who has prescriptive

authority in accordance with Section 65-40 of the Nurse Practice Act may prescribe undesignated epinephrine injectors in the name of the school district, public school, charter school, or nonpublic school to be maintained for use when necessary. Any supply of epinephrine injectors shall be maintained in accordance with the manufacturer's instructions.

The school district, public school, charter school, or nonpublic school may maintain a supply of an opioid antagonist in any secure location where an individual may have an opioid overdose. A health care professional who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Substance Use Disorder Act may prescribe opioid antagonists in the name of the school district, public school, charter school, or nonpublic school, to be maintained for use when necessary. Any supply of opioid antagonists shall be maintained in accordance with the manufacturer's instructions.

The school district, public school, charter school, or nonpublic school may maintain a supply of asthma medication in any secure location that is accessible before, during, or after school where a person is most at risk, including, but not limited to, a classroom or the nurse's office. A physician, a physician assistant who has prescriptive authority under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice registered nurse who has prescriptive authority under Section 65-40 of the Nurse Practice Act may

prescribe undesignated asthma medication in the name of the school district, public school, charter school, or nonpublic school to be maintained for use when necessary. Any supply of undesignated asthma medication must be maintained in accordance with the manufacturer's instructions.

(f-3) Whichever entity initiates the process of obtaining undesignated epinephrine injectors and providing training to personnel for carrying and administering undesignated epinephrine injectors shall pay for the costs of the undesignated epinephrine injectors.

(f-5) Upon any administration of an epinephrine injector, a school district, public school, charter school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

Upon any administration of an opioid antagonist, a school district, public school, charter school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

(f-10) Within 24 hours of the administration of an undesignated epinephrine injector, a school district, public school, charter school, or nonpublic school must notify the physician, physician assistant, or advanced practice registered nurse who provided the standing protocol and a prescription for the undesignated epinephrine injector of its use.

Within 24 hours after the administration of an opioid

antagonist, a school district, public school, charter school, or nonpublic school must notify the health care professional who provided the prescription for the opioid antagonist of its use.

Within 24 hours after the administration of undesignated asthma medication, a school district, public school, charter school, or nonpublic school must notify the student's parent or guardian or emergency contact, if known, and the physician, physician assistant, or advanced practice registered nurse who provided the standing protocol and a prescription for the undesignated asthma medication of its use. The district or school must follow up with the school nurse, if available, and may, with the consent of the child's parent or guardian, notify the child's health care provider of record, as determined under this Section, of its use.

(g) Prior to the administration of an undesignated epinephrine injector, trained personnel must submit to the school's administration proof of completion of a training curriculum to recognize and respond to anaphylaxis that meets the requirements of subsection (h) of this Section. Training must be completed annually. The school district, public school, charter school, or nonpublic school must maintain records related to the training curriculum and trained personnel.

Prior to the administration of an opioid antagonist, trained personnel must submit to the school's administration

proof of completion of a training curriculum to recognize and respond to an opioid overdose, which curriculum must meet the requirements of subsection (h-5) of this Section. Training must be completed annually. Trained personnel must also submit to the school's administration proof of cardiopulmonary resuscitation and automated external defibrillator certification. The school district, public school, charter school, or nonpublic school must maintain records relating to the training curriculum and the trained personnel.

Prior to the administration of undesignated asthma medication, trained personnel must submit to the school's administration proof of completion of a training curriculum to recognize and respond to respiratory distress, which must meet the requirements of subsection (h-10) of this Section. Training must be completed annually, and the school district, public school, charter school, or nonpublic school must maintain records relating to the training curriculum and the trained personnel.

(h) A training curriculum to recognize and respond to anaphylaxis, including the administration of an undesignated epinephrine injector, may be conducted online or in person.

Training shall include, but is not limited to:

- (1) how to recognize signs and symptoms of an allergic reaction, including anaphylaxis;
- (2) how to administer an epinephrine injector; and
- (3) a test demonstrating competency of the knowledge

required to recognize anaphylaxis and administer an epinephrine injector.

Training may also include, but is not limited to:

(A) a review of high-risk areas within a school and its related facilities;

(B) steps to take to prevent exposure to allergens;

(C) emergency follow-up procedures, including the importance of calling 9-1-1 or, if 9-1-1 is not available, other local emergency medical services;

(D) how to respond to a student with a known allergy, as well as a student with a previously unknown allergy;

(E) other criteria as determined in rules adopted pursuant to this Section; and

(F) any policy developed by the State Board of Education under Section 2-3.190.

In consultation with statewide professional organizations representing physicians licensed to practice medicine in all of its branches, registered nurses, and school nurses, the State Board of Education shall make available resource materials consistent with criteria in this subsection (h) for educating trained personnel to recognize and respond to anaphylaxis. The State Board may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by medical experts and other groups that work on life-threatening allergy issues. The State Board is not required to create new resource

materials. The State Board shall make these resource materials available on its Internet website.

(h-5) A training curriculum to recognize and respond to an opioid overdose, including the administration of an opioid antagonist, may be conducted online or in person. The training must comply with any training requirements under Section 5-23 of the Substance Use Disorder Act and the corresponding rules. It must include, but is not limited to:

- (1) how to recognize symptoms of an opioid overdose;
- (2) information on drug overdose prevention and recognition;
- (3) how to perform rescue breathing and resuscitation;
- (4) how to respond to an emergency involving an opioid overdose;
- (5) opioid antagonist dosage and administration;
- (6) the importance of calling 9-1-1 or, if 9-1-1 is not available, other local emergency medical services;
- (7) care for the overdose victim after administration of the overdose antagonist;
- (8) a test demonstrating competency of the knowledge required to recognize an opioid overdose and administer a dose of an opioid antagonist; and
- (9) other criteria as determined in rules adopted pursuant to this Section.

(h-10) A training curriculum to recognize and respond to respiratory distress, including the administration of

undesigned asthma medication, may be conducted online or in person. The training must include, but is not limited to:

(1) how to recognize symptoms of respiratory distress and how to distinguish respiratory distress from anaphylaxis;

(2) how to respond to an emergency involving respiratory distress;

(3) asthma medication dosage and administration;

(4) the importance of calling 9-1-1 or, if 9-1-1 is not available, other local emergency medical services;

(5) a test demonstrating competency of the knowledge required to recognize respiratory distress and administer asthma medication; and

(6) other criteria as determined in rules adopted under this Section.

(i) Within 3 days after the administration of an undesigned epinephrine injector by a school nurse, trained personnel, or a student at a school or school-sponsored activity, the school must report to the State Board of Education in a form and manner prescribed by the State Board the following information:

(1) age and type of person receiving epinephrine (student, staff, visitor);

(2) any previously known diagnosis of a severe allergy;

(3) trigger that precipitated allergic episode;

- (4) location where symptoms developed;
- (5) number of doses administered;
- (6) type of person administering epinephrine (school nurse, trained personnel, student); and
- (7) any other information required by the State Board.

If a school district, public school, charter school, or nonpublic school maintains or has an independent contractor providing transportation to students who maintains a supply of undesignated epinephrine injectors, then the school district, public school, charter school, or nonpublic school must report that information to the State Board of Education upon adoption or change of the policy of the school district, public school, charter school, nonpublic school, or independent contractor, in a manner as prescribed by the State Board. The report must include the number of undesignated epinephrine injectors in supply.

(i-5) Within 3 days after the administration of an opioid antagonist by a school nurse or trained personnel, the school must report to the State Board of Education, in a form and manner prescribed by the State Board, the following information:

- (1) the age and type of person receiving the opioid antagonist (student, staff, or visitor);
- (2) the location where symptoms developed;
- (3) the type of person administering the opioid antagonist (school nurse or trained personnel); and

(4) any other information required by the State Board.

(i-10) Within 3 days after the administration of undesignated asthma medication by a school nurse, trained personnel, or a student at a school or school-sponsored activity, the school must report to the State Board of Education, on a form and in a manner prescribed by the State Board of Education, the following information:

(1) the age and type of person receiving the asthma medication (student, staff, or visitor);

(2) any previously known diagnosis of asthma for the person;

(3) the trigger that precipitated respiratory distress, if identifiable;

(4) the location of where the symptoms developed;

(5) the number of doses administered;

(6) the type of person administering the asthma medication (school nurse, trained personnel, or student);

(7) the outcome of the asthma medication administration; and

(8) any other information required by the State Board.

(j) By October 1, 2015 and every year thereafter, the State Board of Education shall submit a report to the General Assembly identifying the frequency and circumstances of undesignated epinephrine and undesignated asthma medication administration during the preceding academic year. Beginning with the 2017 report, the report shall also contain

information on which school districts, public schools, charter schools, and nonpublic schools maintain or have independent contractors providing transportation to students who maintain a supply of undesignated epinephrine injectors. This report shall be published on the State Board's Internet website on the date the report is delivered to the General Assembly.

(j-5) Annually, each school district, public school, charter school, or nonpublic school shall request an asthma action plan from the parents or guardians of a pupil with asthma. If provided, the asthma action plan must be kept on file in the office of the school nurse or, in the absence of a school nurse, the school administrator. Copies of the asthma action plan may be distributed to appropriate school staff who interact with the pupil on a regular basis, and, if applicable, may be attached to the pupil's federal Section 504 plan or individualized education program plan.

(j-10) To assist schools with emergency response procedures for asthma, the State Board of Education, in consultation with statewide professional organizations with expertise in asthma management and a statewide organization representing school administrators, shall develop a model asthma episode emergency response protocol before September 1, 2016. Each school district, charter school, and nonpublic school shall adopt an asthma episode emergency response protocol before January 1, 2017 that includes all of the components of the State Board's model protocol.

(j-15) Every 2 years, school personnel who work with pupils shall complete an in-person or online training program on the management of asthma, the prevention of asthma symptoms, and emergency response in the school setting. In consultation with statewide professional organizations with expertise in asthma management, the State Board of Education shall make available resource materials for educating school personnel about asthma and emergency response in the school setting.

(j-20) On or before October 1, 2016 and every year thereafter, the State Board of Education shall submit a report to the General Assembly and the Department of Public Health identifying the frequency and circumstances of opioid antagonist administration during the preceding academic year. This report shall be published on the State Board's Internet website on the date the report is delivered to the General Assembly.

(k) The State Board of Education may adopt rules necessary to implement this Section.

(l) Nothing in this Section shall limit the amount of epinephrine injectors that any type of school or student may carry or maintain a supply of.

(Source: P.A. 101-81, eff. 7-12-19; 102-413, eff. 8-20-21; 102-813, eff. 5-13-22.)

(105 ILCS 5/27-23.1) (from Ch. 122, par. 27-23.1)

Sec. 27-23.1. Parenting education.

(a) The State Board of Education must assist each school district that offers an evidence-based parenting education model. School districts may provide instruction in parenting education for grades 6 through 12 and include such instruction in the courses of study regularly taught therein. School districts may give regular school credit for satisfactory completion by the student of such courses.

As used in this subsection (a), "parenting education" means and includes instruction in the following:

- (1) Child growth and development, including prenatal development.
- (2) Childbirth and child care.
- (3) Family structure, function and management.
- (4) Prenatal and postnatal care for mothers and infants.
- (5) Prevention of child abuse.
- (6) The physical, mental, emotional, social, economic and psychological aspects of interpersonal and family relationships.
- (7) Parenting skill development.

The State Board of Education shall assist those districts offering parenting education instruction, upon request, in developing instructional materials, training teachers, and establishing appropriate time allotments for each of the areas included in such instruction.

School districts may offer parenting education courses during that period of the day which is not part of the regular school day. Residents of the school district may enroll in such courses. The school board may establish fees and collect such charges as may be necessary for attendance at such courses in an amount not to exceed the per capita cost of the operation thereof, except that the board may waive all or part of such charges if it determines that the individual is indigent or that the educational needs of the individual requires his or her attendance at such courses.

(b) Beginning with the 2019-2020 school year, from appropriations made for the purposes of this Section, the State Board of Education shall implement and administer a 3-year pilot program supporting the health and wellness student-learning requirement by utilizing a unit of instruction on parenting education in participating school districts that maintain grades 9 through 12, to be determined by the participating school districts. The program is encouraged to include, but is not be limited to, instruction on (i) family structure, function, and management, (ii) the prevention of child abuse, (iii) the physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships, and (iv) parenting education competency development that is aligned to the social and emotional learning standards of the student's grade level. Instruction under this subsection (b) may be included in the

Comprehensive Health Education Program set forth under Section 3 of the Critical Health Problems and Comprehensive Health Education Act. The State Board of Education is authorized to make grants to school districts that apply to participate in the pilot program under this subsection (b). ~~The State Board of Education shall by rule provide for the form of the application and criteria to be used and applied in selecting participating urban, suburban, and rural school districts.~~ The provisions of this subsection (b), other than this sentence, are inoperative at the conclusion of the pilot program.

(Source: P.A. 100-1043, eff. 8-23-18.)

(105 ILCS 5/27A-3)

Sec. 27A-3. Definitions. For purposes of this Article:

"At-risk pupil" means a pupil who, because of physical, emotional, socioeconomic, or cultural factors, is less likely to succeed in a conventional educational environment.

"Authorizer" means an entity authorized under this Article to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee charter schools, and decide whether to renew, not renew, or revoke a charter.

~~"Commission" means the State Charter School Commission established under Section 27A-7.5 of this Code.~~

"Local school board" means the duly elected or appointed school board or board of education of a public school

district, including special charter districts and school districts located in cities having a population of more than 500,000, organized under the laws of this State.

"State Board" means the State Board of Education.

(Source: P.A. 97-152, eff. 7-20-11.)

(105 ILCS 5/27A-4)

Sec. 27A-4. General provisions.

(a) The General Assembly does not intend to alter or amend the provisions of any court-ordered desegregation plan in effect for any school district. A charter school shall be subject to all federal and State laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or need for special education services.

(b) The total number of charter schools operating under this Article at any one time shall not exceed 120. Not more than 70 charter schools shall operate at any one time in any city having a population exceeding 500,000, with at least 5 charter schools devoted exclusively to students from low-performing or overcrowded schools operating at any one time in that city; and not more than 45 charter schools shall operate at any one time in the remainder of the State, with not more than one charter school that has been initiated by a board of education, or by an intergovernmental agreement between or

among boards of education, operating at any one time in the school district where the charter school is located. In addition to these charter schools, up to but no more than 5 charter schools devoted exclusively to re-enrolled high school dropouts and/or students 16 or 15 years old at risk of dropping out may operate at any one time in any city having a population exceeding 500,000. Notwithstanding any provision to the contrary in subsection (b) of Section 27A-5 of this Code, each such dropout charter may operate up to 15 campuses within the city. Any of these dropout charters may have a maximum of 1,875 enrollment seats, any one of the campuses of the dropout charter may have a maximum of 165 enrollment seats, and each campus of the dropout charter must be operated, through a contract or payroll, by the same legal entity as that for which the charter is approved and certified.

For purposes of implementing this Section, the State Board shall assign a number to each charter submission it receives under Section 27A-6 for its review and certification, based on the chronological order in which the submission is received by it. The State Board shall promptly notify local school boards when the maximum numbers of certified charter schools authorized to operate have been reached.

(c) No charter shall be granted under this Article that would convert any existing private, parochial, or non-public school to a charter school.

(d) Enrollment in a charter school shall be open to any

pupil who resides within the geographic boundaries of the area served by the local school board, provided that the board of education in a city having a population exceeding 500,000 may designate attendance boundaries for no more than one-third of the charter schools permitted in the city if the board of education determines that attendance boundaries are needed to relieve overcrowding or to better serve low-income and at-risk students. Students residing within an attendance boundary may be given priority for enrollment, but must not be required to attend the charter school.

(e) Nothing in this Article shall prevent 2 or more local school boards from jointly issuing a charter to a single shared charter school, provided that all of the provisions of this Article are met as to those local school boards.

(f) No local school board shall require any employee of the school district to be employed in a charter school.

(g) No local school board shall require any pupil residing within the geographic boundary of its district to enroll in a charter school.

(h) If there are more eligible applicants for enrollment in a charter school than there are spaces available, successful applicants shall be selected by lottery. However, priority shall be given to siblings of pupils enrolled in the charter school and to pupils who were enrolled in the charter school the previous school year, unless expelled for cause, and priority may be given to pupils residing within the

charter school's attendance boundary, if a boundary has been designated by the board of education in a city having a population exceeding 500,000.

~~Any Beginning with student enrollment for the 2015-2016 school year,~~ any lottery required under this subsection (h) must be administered and videotaped by the charter school. The authorizer or its designee must be allowed to be present or view the lottery in real time. The charter school must maintain a videotaped record of the lottery, including a time/date stamp. The charter school shall transmit copies of the videotape and all records relating to the lottery to the authorizer on or before September 1 of each year.

Subject to the requirements for priority applicant groups set forth in paragraph (1) of this subsection (h), any lottery required under this subsection (h) must be administered in a way that provides each student an equal chance at admission. If an authorizer makes a determination that a charter school's lottery is in violation of this subsection (h), it may administer the lottery directly. After a lottery, each student randomly selected for admission to the charter school must be notified. Charter schools may not create an admissions process subsequent to a lottery that may operate as a barrier to registration or enrollment.

Charter schools may undertake additional intake activities, including without limitation student essays, school-parent compacts, or open houses, but in no event may a

charter school require participation in these activities as a condition of enrollment. A charter school must submit an updated waitlist to the authorizer on a quarterly basis. A waitlist must be submitted to the authorizer at the same time as quarterly financial statements, if quarterly financial statements are required by the authorizer.

Dual enrollment at both a charter school and a public school or non-public school shall not be allowed. A pupil who is suspended or expelled from a charter school shall be deemed to be suspended or expelled from the public schools of the school district in which the pupil resides. Notwithstanding anything to the contrary in this subsection (h):

(1) any charter school with a mission exclusive to educating high school dropouts may grant priority admission to students who are high school dropouts and/or students 16 or 15 years old at risk of dropping out and any charter school with a mission exclusive to educating students from low-performing or overcrowded schools may restrict admission to students who are from low-performing or overcrowded schools; "priority admission" for charter schools exclusively devoted to re-enrolled dropouts or students at risk of dropping out means a minimum of 90% of students enrolled shall be high school dropouts; and

(2) any charter school located in a school district that contains all or part of a federal military base may set aside up to 33% of its current charter enrollment to

students with parents assigned to the federal military base, with the remaining 67% subject to the general enrollment and lottery requirements of subsection (d) of this Section and this subsection (h); if a student with a parent assigned to the federal military base withdraws from the charter school during the course of a school year for reasons other than grade promotion, those students with parents assigned to the federal military base shall have preference in filling the vacancy.

(i) (Blank).

(j) Notwithstanding any other provision of law to the contrary, a school district in a city having a population exceeding 500,000 shall not have a duty to collectively bargain with an exclusive representative of its employees over decisions to grant or deny a charter school proposal under Section 27A-8 of this Code, decisions to renew or revoke a charter under Section 27A-9 of this Code, and the impact of these decisions, provided that nothing in this Section shall have the effect of negating, abrogating, replacing, reducing, diminishing, or limiting in any way employee rights, guarantees, or privileges granted in Sections 2, 3, 7, 8, 10, 14, and 15 of the Illinois Educational Labor Relations Act.

(k) In this Section:

"Low-performing school" means a public school in a school district organized under Article 34 of this Code that enrolls students in any of grades kindergarten through 8 and that is

ranked within the lowest 10% of schools in that district in terms of the percentage of students meeting or exceeding standards on the assessments required under Section 2-3.64a-5 of this Code.

"Overcrowded school" means a public school in a school district organized under Article 34 of this Code that (i) enrolls students in any of grades kindergarten through 8, (ii) has a percentage of low-income students of 70% or more, as identified in the most recently available School Report Card published by the State Board ~~of Education~~, and (iii) is determined by the Chicago Board of Education to be in the most severely overcrowded 5% of schools in the district. On or before November 1 of each year, the Chicago Board of Education shall file a report with the State Board ~~of Education~~ on which schools in the district meet the definition of "overcrowded school". "Students at risk of dropping out" means students 16 or 15 years old in a public school in a district organized under Article 34 of this Code that enrolls students in any grades 9-12 who have been absent at least 90 school attendance days of the previous 180 school attendance days.

(1) For advertisements created after January 1, 2015 ~~(the effective date of Public Act 98-783)~~, any advertisement, including a radio, television, print, Internet, social media, or billboard advertisement, purchased by a school district or public school, including a charter school, with public funds must include a disclaimer stating that the advertisement was

paid for using public funds.

This disclaimer requirement does not extend to materials created by the charter school, including, but not limited to, a school website, informational pamphlets or leaflets, or clothing with affixed school logos.

(Source: P.A. 98-474, eff. 8-16-13; 98-783, eff. 1-1-15; 98-972, eff. 8-15-14; 99-78, eff. 7-20-15.)

(105 ILCS 5/27A-5)

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

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

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

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

before April 16, 2003 ~~(the effective date of Public Act 93-3)~~.

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

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

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

other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

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

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or

prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

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

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

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

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is

exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

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

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

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

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

(5) the Abused and Neglected Child Reporting Act;

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

(6) the Illinois School Student Records Act;

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

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

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

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

- (11) Sections 22-80 and 27-8.1 of this Code;
- (12) Sections 10-20.60 and 34-18.53 of this Code;
- (13) Sections 10-20.63 and 34-18.56 of this Code;
- (14) Sections 22-90 and 26-18 of this Code;
- (15) Section 22-30 of this Code;
- (16) Sections 24-12 and 34-85 of this Code;
- (17) the Seizure Smart School Act;
- (18) Section 2-3.64a-10 of this Code;
- (19) Sections 10-20.73 and 34-21.9 of this Code;
- (20) Section 10-22.25b of this Code;
- (21) Section 27-9.1a of this Code;
- (22) Section 27-9.1b of this Code;
- (23) Section 34-18.8 of this Code;
- (25) Section 2-3.188 of this Code;
- (26) Section 22-85.5 of this Code;
- (27) subsections ~~Subsections~~ (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~
- (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- (29) ~~(27)~~ Section 10-20.13 of this Code;
- (30) ~~(28)~~ Section 28-19.2 of this Code; and
- (31) ~~(29)~~ Section 34-21.6 of this Code.

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

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

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

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is

deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

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

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

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

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

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

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

authorized under the laws of the State of Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) the Abused and Neglected Child Reporting Act;

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

(6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

(15) Section 22-30 of this Code;

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

(17) the Seizure Smart School Act;

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

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

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

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

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

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

(25) Section 2-3.188 of this Code;

(26) Section 22-85.5 of this Code;

(27) subsections ~~Subsections~~ (d-10), (d-15), and

(d-20) of Section 10-20.56 of this Code; ~~and~~

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

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

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

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

(32) ~~(25)~~ Section 22-85.10 of this Code.

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

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. ~~However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year.~~ Except as provided in subsection (i) of this Section, a school district may charge a charter

school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

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

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

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

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;

102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

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

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

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

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

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

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

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

(c-5) No later than January 1, 2021 ~~(one year after the effective date of Public Act 101-291)~~ or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall

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

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students

to master and apply as an outcome of their education.

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

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

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but

not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

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

- (1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer

and Violent Offender Against Youth Database of applicants for employment;

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

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

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

(5) the Abused and Neglected Child Reporting Act;

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

(6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

(15) Section 22-30 of this Code;

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

- (17) the Seizure Smart School Act;
- (18) Section 2-3.64a-10 of this Code;
- (19) Sections 10-20.73 and 34-21.9 of this Code;
- (20) Section 10-22.25b of this Code;
- (21) Section 27-9.1a of this Code;
- (22) Section 27-9.1b of this Code;
- (23) Section 34-18.8 of this Code;
- (24) Article 26A of this Code; ~~and~~
- (25) Section 2-3.188 of this Code;
- (26) Section 22-85.5 of this Code;
- (27) subsections ~~Subsections~~ (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~
- (28) Sections 10-20.83 and 34-18.78 of this Code; and
- (29) ~~(27)~~ Section 10-20.13 of this Code;
- (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- (31) ~~(29)~~ Section 34-21.6 of this Code; and
- (32) ~~(25)~~ Section 22-85.10 of this Code.

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

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and

maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. ~~However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year.~~ Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

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

subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

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

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

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

(105 ILCS 5/27A-6)

Sec. 27A-6. Contract contents; applicability of laws and regulations.

(a) A certified charter shall constitute a binding contract and agreement between the charter school and a local school board under the terms of which the local school board authorizes the governing body of the charter school to operate the charter school on the terms specified in the contract.

(b) Notwithstanding any other provision of this Article, the certified charter may not waive or release the charter

school from the State goals, standards, and assessments established pursuant to Section 2-3.64a-5 of this Code. The ~~Beginning with the 2003-2004 school year, the~~ certified charter for a charter school operating in a city having a population exceeding 500,000 shall require the charter school to administer any other nationally recognized standardized tests to its students that the chartering entity administers to other students, and the results on such tests shall be included in the chartering entity's assessment reports.

(c) Subject to the provisions of subsection (e), a material revision to a previously certified contract or a renewal shall be made with the approval of both the local school board and the governing body of the charter school.

(c-5) The proposed contract shall include a provision on how both parties will address minor violations of the contract.

(d) The proposed contract between the governing body of a proposed charter school and the local school board as described in Section 27A-7 must be submitted to and certified by the State Board before it can take effect. If the State Board recommends that the proposed contract be modified for consistency with this Article before it can be certified, the modifications must be consented to by both the governing body of the charter school and the local school board, and resubmitted to the State Board for its certification. If the proposed contract is resubmitted in a form that is not

consistent with this Article, the State Board may refuse to certify the charter.

The State Board shall assign a number to each submission or resubmission in chronological order of receipt, and shall determine whether the proposed contract is consistent with the provisions of this Article. If the proposed contract complies, the State Board shall so certify.

(e) No renewal of a previously certified contract is effective unless and until the State Board certifies that the renewal is consistent with the provisions of this Article. A material revision to a previously certified contract may go into effect immediately upon approval of both the local school board and the governing body of the charter school, unless either party requests in writing that the State Board certify that the material revision is consistent with the provisions of this Article. If such a request is made, the proposed material revision is not effective unless and until the State Board so certifies.

(Source: P.A. 98-972, eff. 8-15-14; 98-1048, eff. 8-25-14; 99-78, eff. 7-20-15.)

(105 ILCS 5/27A-7)

Sec. 27A-7. Charter submission.

(a) A proposal to establish a charter school shall be submitted to the local school board and the State Board for certification under Section 27A-6 of this Code in the form of a

proposed contract entered into between the local school board and the governing body of a proposed charter school. The charter school proposal shall include:

(1) The name of the proposed charter school, which must include the words "Charter School".

(2) The age or grade range, areas of focus, minimum and maximum numbers of pupils to be enrolled in the charter school, and any other admission criteria that would be legal if used by a school district.

(3) A description of and address for the physical plant in which the charter school will be located; provided that nothing in the Article shall be deemed to justify delaying or withholding favorable action on or approval of a charter school proposal because the building or buildings in which the charter school is to be located have not been acquired or rented at the time a charter school proposal is submitted or approved or a charter school contract is entered into or submitted for certification or certified, so long as the proposal or submission identifies and names at least 2 sites that are potentially available as a charter school facility by the time the charter school is to open.

(4) The mission statement of the charter school, which must be consistent with the General Assembly's declared purposes; provided that nothing in this Article shall be construed to require that, in order to receive favorable

consideration and approval, a charter school proposal demonstrate unequivocally that the charter school will be able to meet each of those declared purposes, it being the intention of the Charter Schools Law that those purposes be recognized as goals that charter schools must aspire to attain.

(5) The goals, objectives, and pupil performance standards to be achieved by the charter school.

(6) In the case of a proposal to establish a charter school by converting an existing public school or attendance center to charter school status, evidence that the proposed formation of the charter school has received the approval of certified teachers, parents and guardians, and, if applicable, a local school council as provided in subsection (b) of Section 27A-8.

(7) A description of the charter school's educational program, pupil performance standards, curriculum, school year, school days, and hours of operation.

(8) A description of the charter school's plan for evaluating pupil performance, the types of assessments that will be used to measure pupil progress towards achievement of the school's pupil performance standards, the timeline for achievement of those standards, and the procedures for taking corrective action in the event that pupil performance at the charter school falls below those standards.

(9) Evidence that the terms of the charter as proposed are economically sound for both the charter school and the school district, a proposed budget for the term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school district, are to be conducted, and a plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the charter school.

(10) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school.

(11) An explanation of the relationship that will exist between the charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees and their recognized representative, if any. However, a bargaining unit of charter school employees shall be separate and distinct from any bargaining units formed from employees of a school district in which the charter school is located.

(12) An agreement between the parties regarding their respective legal liability and applicable insurance coverage.

(13) A description of how the charter school plans to

meet the transportation needs of its pupils, and a plan for addressing the transportation needs of low-income and at-risk pupils.

(14) The proposed effective date and term of the charter; provided that the first day of the first academic year shall be no earlier than August 15 and no later than September 15 of a calendar year, and the first day of the fiscal year shall be July 1.

(14.5) Disclosure of any known active civil or criminal investigation by a local, state, or federal law enforcement agency into an organization submitting the charter school proposal or a criminal investigation by a local, state, or federal law enforcement agency into any member of the governing body of that organization. For the purposes of this subdivision (14.5), a known investigation means a request for an interview by a law enforcement agency, a subpoena, an arrest, or an indictment. Such disclosure is required for a period from the initial application submission through 10 business days prior to the authorizer's scheduled decision date.

(15) Any other information reasonably required by the State Board ~~of Education~~.

(b) A proposal to establish a charter school may be initiated by individuals or organizations that will have majority representation on the board of directors or other governing body of the corporation or other discrete legal

entity that is to be established to operate the proposed charter school, by a board of education or an intergovernmental agreement between or among boards of education, or by the board of directors or other governing body of a discrete legal entity already existing or established to operate the proposed charter school. The individuals or organizations referred to in this subsection may be school teachers, school administrators, local school councils, colleges or universities or their faculty members, public community colleges or their instructors or other representatives, corporations, or other entities or their representatives. The proposal shall be submitted to the local school board for consideration and, if appropriate, for development of a proposed contract to be submitted to the State Board for certification under Section 27A-6.

(c) The local school board may not without the consent of the governing body of the charter school condition its approval of a charter school proposal on acceptance of an agreement to operate under State laws and regulations and local school board policies from which the charter school is otherwise exempted under this Article.

(Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14; 99-78, eff. 7-20-15; 99-334, eff. 8-10-15.)

(105 ILCS 5/27A-7.5)

Sec. 27A-7.5. State Charter School Commission; abolition

and transfer to State Board; fee.

(a) (Blank). ~~A State Charter School Commission is established as an independent commission with statewide chartering jurisdiction and authority. The Commission shall be under the State Board for administrative purposes only.~~

(a-5) (Blank). ~~The State Board shall provide administrative support to the Commission as needed.~~

(b) (Blank). ~~The Commission is responsible for authorizing high quality charter schools throughout this State, particularly schools designed to expand opportunities for at-risk students, consistent with the purposes of this Article.~~

(c) (Blank). ~~The Commission shall consist of 9 members, appointed by the State Board. The State Board shall make these appointments from a slate of candidates proposed by the Governor, within 60 days after the effective date of this amendatory Act of the 97th General Assembly with respect to the initial Commission members. In making the appointments, the State Board shall ensure statewide geographic diversity among Commission members. The Governor shall propose a slate of candidates to the State Board within 60 days after the effective date of this amendatory Act of the 97th General Assembly and 60 days prior to the expiration of the term of a member thereafter. If the Governor fails to timely propose a slate of candidates according to the provisions of this subsection (c), then the State Board may appoint the member or~~

~~members of the Commission.~~

(d) (Blank). ~~Members appointed to the Commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, higher education, assessments, curriculum and instruction, and public education law. All members of the Commission shall have demonstrated understanding of and a commitment to public education, including without limitation charter schooling. At least 3 members must have past experience with urban charter schools.~~

(e) (Blank). ~~To establish staggered terms of office, the initial term of office for 3 Commission members shall be 4 years and thereafter shall be 4 years; the initial term of office for another 3 members shall be 3 years and thereafter shall be 4 years; and the initial term of office for the remaining 3 members shall be 2 years and thereafter shall be 4 years. The initial appointments must be made no later than October 1, 2011.~~

(f) (Blank). ~~Whenever a vacancy on the Commission exists, the State Board shall appoint a member for the remaining portion of the term.~~

(g) (Blank). ~~Subject to the State Officials and Employees Ethics Act, the Commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this Article, subject to the terms and conditions under which they are~~

~~given, provided that all such terms and conditions are permissible under law. Funds received under this subsection (g) must be deposited into the State Charter School Commission Fund.~~

~~The State Charter School Commission Fund is created as a special fund in the State treasury. Until July 1, 2020, all money in the Fund shall be used, subject to appropriation, by the State Board, acting on behalf and with the consent of the Commission, for operational and administrative costs of the Commission. Beginning on July 1, 2020 through August 31, 2020, all money in the Fund shall be used, subject to appropriation, by the State Board for operational and administrative costs. On September 1, 2020, or as soon thereafter as practicable, in consultation with the State Board, the State Comptroller shall order transferred and the State Treasurer shall transfer all money in the State Charter School Commission Fund to the State Board of Education Special Purpose Trust Fund.~~

~~Subject to appropriation, any funds appropriated for use by the State Board, acting on behalf and with the consent of the Commission, may be used for the following purposes, without limitation: personal services, contractual services, and other operational and administrative costs. The State Board is further authorized to make expenditures with respect to any other amounts deposited in accordance with law into the State Charter School Commission Fund.~~

(g-5) (Blank). ~~Funds or spending authority for the~~

~~operation and administrative costs of the Commission shall be appropriated to the State Board in a separate line item. The State Superintendent of Education may not reduce or modify the budget of the Commission or use funds appropriated to the Commission without the approval of the Commission.~~

(h) (Blank). ~~The Commission shall operate with dedicated resources and staff qualified to execute the day to day responsibilities of charter school authorizing in accordance with this Article. The Commission may employ and fix the compensation of such employees and technical assistants as it deems necessary to carry out its powers and duties under this Article, without regard to the requirements of any civil service or personnel statute; and may establish and administer standards of classification of all such persons with respect to their compensation, duties, performance, and tenure and enter into contracts of employment with such persons for such periods and on such terms as the Commission deems desirable.~~

(i) (Blank).

(j) The ~~Until July 1, 2020, the Commission may charge a charter school that it authorizes a fee, not to exceed 3% of the revenue provided to the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school. This fee must be deposited into the State Charter School Commission Fund. Beginning on July 1, 2020, the State Board of Education may charge a charter school that it authorizes a fee not to~~

exceed 3% of the revenue provided to the school to be used exclusively for covering the cost of authorizing activities. Authorizing activities may include, but are not limited to: (i) soliciting, reviewing, and taking action on charter school proposals; (ii) hiring, training, and supervising staff engaged in authorizing activities; (iii) developing and conducting oversight, including regular monitoring, of authorized charter schools; (iv) reporting on best practices and performances of charter schools; (v) applying for, managing, and distributing grants and funds appropriated for charter schools and authorizing activities; (vi) training members of the State Board on their authorizing roles; and (vii) training other employees of the State Board on how to work with charter schools as their own local education agencies.

(k) On July 1, 2020, the State Charter School Commission or "Commission" (established by Public Act 97-152 as an independent State agency with statewide chartering jurisdiction and authority) is abolished and the terms of all members end. On that date, all of the powers, duties, assets, liabilities, contracts, property, records, and pending business of the Commission are transferred to the State Board. For purposes of the Successor Agency Act and Section 9b of the State Finance Act, the State Board is declared to be the successor agency of the Commission. Beginning on July 1, 2020, references in statutes, rules, forms, and other documents to

the Commission shall, in appropriate contexts, be deemed to refer to the State Board. Standards and procedures of the Commission in effect on July 1, 2020 shall be deemed standards and procedures of the State Board and shall remain in effect until amended or repealed by the State Board.

~~Beginning on the effective date of this amendatory Act of the 101st General Assembly, the Commission may not enter into or renew a contract, other than a charter renewal, that expires after July 1, 2020.~~

On July 1, 2020, any charter school authorized by the ~~State Charter School~~ Commission prior to July 1, 2020 shall have its authorization transferred to the State Board, which shall then become the school's authorizer for all purposes under this Article. On July 1, 2020, all of the powers, duties, assets, liabilities, contracts, property, records, and pending business of the ~~State Charter School~~ Commission as the school's authorizer must be transferred to the State Board. At the end of its charter term, a charter school may reapply to the board or boards for authorization.

On July 1, 2020, all rules of the State Board applicable to matters falling within the responsibility of the ~~State Charter School~~ Commission shall be applicable to the actions of the State Board.

(1) In any appeal filed with the State Board ~~Commission~~ under this Article, both the applicant and the authorizing school district of ~~in which~~ the charter school ~~plans to locate~~

shall have the right to request a hearing before the State Board Commission. If more than one entity requests a hearing, then the State Board Commission may hold only one hearing, wherein the applicant and the school district shall have an equal opportunity to present their respective positions.

(Source: P.A. 101-543, eff. 8-23-19.)

(105 ILCS 5/27A-7.10)

Sec. 27A-7.10. Authorizer powers and duties; immunity; principles and standards.

(a) Authorizers are responsible for executing, in accordance with this Article, all of the following powers and duties:

- (1) Soliciting and evaluating charter applications.
- (2) Approving quality charter applications that meet identified educational needs and promote a diversity of educational choices.
- (3) Declining to approve weak or inadequate charter applications.
- (4) Negotiating and executing sound charter contracts with each approved charter school.
- (5) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools.
- (6) Determining whether each charter contract merits renewal, nonrenewal, or revocation.

(b) An authorizing entity may delegate its duties to officers, employees, and contractors.

(c) Regulation by authorizers is limited to the powers and duties set forth in subsection (a) of this Section and must be consistent with the spirit and intent of this Article.

(d) An authorizing entity, members of the local school board, the State Board, ~~and the Commission,~~ in its ~~their~~ official capacity, and employees of an authorizer are immune from civil and criminal liability with respect to all activities related to a charter school that they authorize, except for willful or wanton misconduct.

(e) The State Board, ~~the Commission,~~ and all local school boards that have a charter school operating are required to develop and maintain chartering policies and practices consistent with recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility, including all of the following:

- (1) Organizational capacity and infrastructure.
- (2) Soliciting and evaluating charter applications if applicable.
- (3) Performance contracting.
- (4) Ongoing charter school oversight and evaluation.
- (5) Charter renewal decision-making.

Authorizers shall carry out all their duties under this Article in a manner consistent with nationally recognized principles and standards and with the spirit and intent of

this Article.

(Source: P.A. 101-543, eff. 8-23-19.)

(105 ILCS 5/27A-9)

Sec. 27A-9. Term of charter; renewal.

(a) An initial ~~For charters granted before January 1, 2017~~
~~(the effective date of Public Act 99-840), a charter may be~~
~~granted for a period not less than 5 and not more than 10~~
~~school years. For charters granted on or after January 1, 2017~~
~~(the effective date of Public Act 99-840), a charter shall be~~
granted for a period of 5 school years. A ~~For charters renewed~~
~~before January 1, 2017 (the effective date of Public Act~~
~~99-840), a charter may be renewed in incremental periods not~~
~~to exceed 5 school years. For charters renewed on or after~~
~~January 1, 2017 (the effective date of Public Act 99-840), a~~
charter may be renewed in incremental periods not to exceed 10
school years; ~~however, the State Board or Commission may renew~~
~~a charter only in incremental periods not to exceed 5 years.~~
Authorizers shall ensure that every charter granted on or
after January 1, 2017 ~~(the effective date of Public Act~~
~~99-840)~~ includes standards and goals for academic,
organizational, and financial performance. A charter must meet
all standards and goals for academic, organizational, and
financial performance set forth by the authorizer in order to
be renewed for a term in excess of 5 years but not more than 10
years. If an authorizer fails to establish standards and

goals, a charter shall not be renewed for a term in excess of 5 years. Nothing contained in this Section shall require an authorizer to grant a full 10-year renewal term to any particular charter school, but an authorizer may award a full 10-year renewal term to charter schools that have a demonstrated track record of improving student performance.

(b) A charter school renewal proposal submitted to the local school board or the State Board ~~or Commission~~, as the chartering entity, shall contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the initial approved charter proposal; and

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that will allow comparison of those costs to other schools or other comparable organizations, in a format required by the State Board.

(c) A charter may be revoked or not renewed if the local school board or the State Board ~~or Commission~~, as the chartering entity, clearly demonstrates that the charter school did any of the following, or otherwise failed to comply with the requirements of this law:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the

charter.

(2) Failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the charter.

(3) Failed to meet generally accepted standards of fiscal management.

(4) Violated any provision of law from which the charter school was not exempted.

In the case of revocation, the local school board or the State Board ~~or Commission~~, as the chartering entity, shall notify the charter school in writing of the reason why the charter is subject to revocation. The charter school shall submit a written plan to the local school board or the State Board, ~~or the Commission~~, whichever is applicable, to rectify the problem. The plan shall include a timeline for implementation, which shall not exceed 2 years or the date of the charter's expiration, whichever is earlier. If the local school board or the State Board ~~or Commission~~, as the chartering entity, finds that the charter school has failed to implement the plan of remediation and adhere to the timeline, then the chartering entity shall revoke the charter. Except in situations of an emergency where the health, safety, or education of the charter school's students is at risk, the revocation shall take place at the end of a school year. Nothing in this Section ~~Public Act 96-105~~ shall be construed to prohibit an implementation timetable that is less than 2

years in duration. No local school board may arbitrarily or capriciously revoke or not renew a charter. Except for extenuating circumstances outlined in this Section, if a local school board revokes or does not renew a charter, it must ensure that all students currently enrolled in the charter school are placed in schools that are higher performing than that charter school, as defined in the State's federal Every Student Succeeds Act accountability plan. In determining whether extenuating circumstances exist, a local school board must detail, by clear and convincing evidence, that factors unrelated to the charter school's accountability designation outweigh the charter school's academic performance.

(d) (Blank).

(e) Notice of a local school board's decision to deny, revoke, or not renew a charter shall be provided to ~~the Commission and the State Board. Until July 1, 2020, the Commission may reverse a local board's decision to not renew a charter if the Commission finds that the charter school or charter school proposal (i) is in compliance with this Article, and (ii) is in the best interests of the students it is designed to serve. The Commission may condition the granting of an appeal on the acceptance by the charter school of funding in an amount less than that requested in the proposal submitted to the local school board. Final decisions of the Commission shall be subject to judicial review under the Administrative Review Law.~~

The State Board may reverse a local board's decision to revoke or, ~~beginning on July 1, 2020,~~ not renew a charter if the State Board finds that the charter school or charter school proposal (i) is in compliance with this Article and (ii) is in the best interests of the students it is designed to serve. The State Board may condition the granting of an appeal on the acceptance by the charter school of funding in an amount less than that requested in the proposal submitted to the local school board. The State Board must appoint and utilize a hearing officer for any appeals conducted under this subsection. Final decisions of the State Board are subject to judicial review under the Administrative Review Law.

(f) Notwithstanding other provisions of this Article, if the State Board ~~Commission~~ on appeal reverses a local board's decision or if a charter school is approved by referendum, the State Board ~~Commission~~ shall act as the authorized chartering entity for the charter school. ~~The Commission shall approve the charter and shall perform all functions under this Article otherwise performed by the local school board. The State Board shall determine whether the charter proposal approved by the Commission is consistent with the provisions of this Article and, if the approved proposal complies, certify the proposal pursuant to this Article.~~ The State Board shall report the aggregate number of charter school pupils resident in a school district to that district and shall notify the district of the amount of funding to be paid by the State Board to the charter

school enrolling such students. The charter school shall maintain accurate records of daily attendance and student enrollment and shall enter data on the students served, their characteristics, their particular needs, the programs in which they participate, and their academic achievement into the statewide student information system established by the State Board. ~~The Commission shall require the charter school to maintain accurate records of daily attendance that shall be deemed sufficient to file claims under Section 18-8.15 notwithstanding any other requirements of that Section.~~ The State Board shall withhold from funds otherwise due the district the funds authorized by this Article to be paid to the charter school and shall pay such amounts to the charter school in quarterly installments, calculated as follows:-

(1) The amount of the first quarterly payment shall be based on the projected number of students who will be enrolled in the charter school in the upcoming school year, multiplied by one-fourth of the resident district's per capita tuition amount. Each charter school shall submit its projected enrollment by no later than August 1 of each year on a form provided by the State Board for this purpose.

(2) The amount of the second quarterly payment shall be calculated such that the aggregate amount of the first and second quarterly installments is equal to the number of students reported as enrolled at the charter school on

October 1 in the State Board's student information system, multiplied by one-half of the resident district's per capita tuition amount.

(3) The amount of the third quarterly payment shall be based on the number of students enrolled in the charter school on January 1, multiplied by one-fourth of the resident district's per capita tuition amount. Each charter school shall submit its January 1 enrollment by no later than January 5 of each year on a form provided by the State Board for this purpose.

(4) The amount of the fourth quarterly payment shall be calculated such that the aggregate amount of the third and fourth installments is equal to the number of students reported as enrolled at the charter school on March 1 in the State Board's student information system, multiplied by one-half of the resident district's per capita tuition amount.

~~(g) (Blank). For charter schools authorized by the Commission, the Commission shall quarterly certify to the State Board the student enrollment for each of its charter schools.~~

~~(h) The For charter schools authorized by the Commission, the State Board shall pay directly to a charter school it authorizes any federal or State funding aid attributable to a student with a disability attending the school.~~

(Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;

101-543, eff. 8-23-19.)

(105 ILCS 5/27A-10)

Sec. 27A-10. Employees.

(a) A person shall be deemed to be employed by a charter school unless a collective bargaining agreement or the charter school contract otherwise provides.

(b) In all school districts, including special charter districts and districts located in cities having a population exceeding 500,000, the local school board shall determine by policy or by negotiated agreement, if one exists, the employment status of any school district employees who are employed by a charter school and who seek to return to employment in the public schools of the district. Each local school board shall grant, for a period of up to 5 years, a leave of absence to those of its teachers who accept employment with a charter school. At the end of the authorized leave of absence, the teacher must return to the school district or resign; provided that if the teacher chooses to return to the school district, the teacher must be assigned to a position that requires the teacher's licensure and legal qualifications. The contractual continued service status and retirement benefits of a teacher of the district who is granted a leave of absence to accept employment with a charter school shall not be affected by that leave of absence.

(c) Charter schools shall employ in instructional

positions, as defined in the charter, individuals who are licensed under Article 21B of this Code or who possess the following qualifications:

(i) graduated with a bachelor's degree from an accredited institution of higher learning;

(ii) been employed for a period of at least 5 years in an area requiring application of the individual's education;

(iii) passed a content area knowledge test required under Section 21B-30 of this Code; and

(iv) demonstrate continuing evidence of professional growth, which shall include, but not be limited to, successful teaching experience, attendance at professional meetings, membership in professional organizations, additional credits earned at institutions of higher learning, travel specifically for educational purposes, and reading of professional books and periodicals.

(c-5) Charter schools employing individuals without licensure in instructional positions shall provide such mentoring, training, and staff development for those individuals as the charter schools determine necessary for satisfactory performance in the classroom.

~~At least 50% of the individuals employed in instructional positions by a charter school that is operating in a city having a population exceeding 500,000 and that is established on or after April 16, 2003 shall hold teaching licenses issued~~

~~under Article 21B of this Code.~~

~~At least 75% of the individuals employed in instructional positions by a charter school that is operating in a city having a population exceeding 500,000 and that was established before April 16, 2003 shall hold teaching licenses issued under Article 21B of this Code.~~

(c-10) At ~~Notwithstanding any provision in subsection (c-5) to the contrary, in any charter school established before, on, or after July 30, 2009 (the effective date of Public Act 96-105),~~ at least 75% of the individuals employed in instructional positions by the charter school shall hold teaching licenses issued under Article 21B of this Code. Charter schools may employ non-licensed staff in all other positions.

(c-15) Charter schools are exempt from any annual cap on new participants in an alternative educator licensure program. The second and third phases of the program may be conducted and completed at the charter school, and the alternative provisional educator endorsement is valid for 4 years or the length of the charter (or any extension of the charter), whichever is longer.

(d) A teacher at a charter school may resign his or her position only if the teacher gives notice of resignation to the charter school's governing body at least 60 days before the end of the school term, and the resignation must take effect immediately upon the end of the school term.

(Source: P.A. 101-220, eff. 8-7-19; 101-594, eff. 12-5-19.)

(105 ILCS 5/27A-10.5)

Sec. 27A-10.5. Educational or charter management organization.

(a) In this Section:

"CMO" means a charter management organization.

"EMO" means an educational management organization.

(b) All authorizers shall ensure that any charter school established on or after January 1, 2015 ~~the effective date of this amendatory Act of the 98th General Assembly~~ has a governing body that is separate and distinct from the governing body of any CMO or EMO. In reviewing charter applications and charter renewal applications, authorizers shall review the governance model proposed by the applicant to ensure that there are no conflicts of interest.

(c) No charter school may employ a staff person who is simultaneously employed by an EMO or CMO.

(Source: P.A. 98-783, eff. 1-1-15.)

(105 ILCS 5/27A-10.10)

Sec. 27A-10.10. Closure of charter school; unspent public funds; procedures for the disposition of property and assets.

(a) Upon the closing of a charter school authorized by one or more local school boards, the governing body of the charter school or its designee shall refund to the chartering entity

or entities all unspent public funds. The charter school's other property and assets shall be disposed of under the provisions of the charter application and contract. If the application and contract are silent or ambiguous as to the disposition of any of the school's property or assets, any property or assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws enrollment, at no cost to the receiving district or districts, subject to each district's acceptance of the property or asset. Any unspent public funds or other property or assets received by the charter school directly from any State or federal agency shall be refunded to or revert back to that State or federal agency, respectively.

(b) Upon the closing of a charter school authorized by the State Board ~~Commission~~, the governing body of the charter school or its designee shall refund all unspent public funds to the State Board ~~of Education~~. The charter school's other property and assets shall be disposed of under the provisions of the charter application and contract. If the application and contract are silent or ambiguous as to the disposition of any of the school's property or assets, any property or assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws its enrollment, at no cost to the receiving district or districts, subject to each district's

acceptance of the property or asset. Any unspent public funds or other property or assets provided by a State agency other than the State Board ~~of Education~~ or by a federal agency shall be refunded to or revert back to that State or federal agency, respectively.

(c) If a determination is made to close a charter school located within the boundaries of a school district organized under Article 34 of this Code for at least one school year, the charter school shall give at least 60 days' notice of the closure to all affected students and parents or legal guardians.

(Source: P.A. 100-179, eff. 8-18-17.)

(105 ILCS 5/27A-11)

Sec. 27A-11. Local financing.

(a) For purposes of the School Code, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which the pupil resides. Each charter school (i) shall determine the school district in which each pupil who is enrolled in the charter school resides, (ii) shall report the aggregate number of pupils resident of a school district who are enrolled in the charter school to the school district in which those pupils reside, and (iii) shall maintain accurate records of daily attendance that shall be deemed sufficient to file claims under Section ~~18-8~~ or 18-8.15 notwithstanding any other requirements of that

Section regarding hours of instruction and teacher licensure certification.

(b) Except for a charter school established by referendum under Section 27A-6.5, as part of a charter school contract, the charter school and the local school board shall agree on funding and any services to be provided by the school district to the charter school. Agreed funding that a charter school is to receive from the local school board for a school year shall be paid in equal quarterly installments with the payment of the installment for the first quarter being made not later than July 1, unless the charter establishes a different payment schedule. However, if a charter school dismisses a pupil from the charter school after receiving a quarterly payment, the charter school shall return to the school district, on a quarterly basis, the prorated portion of public funding provided for the education of that pupil for the time the student is not enrolled at the charter school. Likewise, if a pupil transfers to a charter school between quarterly payments, the school district shall provide, on a quarterly basis, a prorated portion of the public funding to the charter school to provide for the education of that pupil.

All services centrally or otherwise provided by the school district including, but not limited to, rent, food services, custodial services, maintenance, curriculum, media services, libraries, transportation, and warehousing shall be subject to negotiation between a charter school and the local school

board and paid for out of the revenues negotiated pursuant to this subsection (b); provided that the local school board shall not attempt, by negotiation or otherwise, to obligate a charter school to provide pupil transportation for pupils for whom a district is not required to provide transportation under the criteria set forth in subsection (a)(13) of Section 27A-7.

In no event shall the funding be less than 97% or more than 103% of the school district's per capita student tuition multiplied by the number of students residing in the district who are enrolled in the charter school.

It is the intent of the General Assembly that funding and service agreements under this subsection (b) shall be neither a financial incentive nor a financial disincentive to the establishment of a charter school.

The charter school may set and collect reasonable fees. Fees collected from students enrolled at a charter school shall be retained by the charter school.

(c) Notwithstanding subsection (b) of this Section, the proportionate share of State and federal resources generated by students with disabilities or staff serving them shall be directed to charter schools enrolling those students by their school districts or administrative units. The proportionate share of moneys generated under other federal or State categorical aid programs shall be directed to charter schools serving students eligible for that aid.

(d) The governing body of a charter school is authorized to accept gifts, donations, or grants of any kind made to the charter school and to expend or use gifts, donations, or grants in accordance with the conditions prescribed by the donor; however, a gift, donation, or grant may not be accepted by the governing body if it is subject to any condition contrary to applicable law or contrary to the terms of the contract between the charter school and the local school board. Charter schools shall be encouraged to solicit and utilize community volunteer speakers and other instructional resources when providing instruction on the Holocaust and other historical events.

(e) (Blank).

(f) (Blank). ~~The Commission shall provide technical assistance to persons and groups preparing or revising charter applications.~~

(g) At the non-renewal or revocation of its charter, each charter school shall refund to the local board of education all unspent funds.

(h) A charter school is authorized to incur temporary, short term debt to pay operating expenses in anticipation of receipt of funds from the local school board.

(Source: P.A. 99-78, eff. 7-20-15; 100-465, eff. 8-31-17.)

(105 ILCS 5/27A-11.5)

Sec. 27A-11.5. State financing. The State Board ~~of~~

~~Education~~ shall make the following funds available to school districts and charter schools:

(1) From a separate appropriation made to the State Board for purposes of this subdivision (1), the State Board shall make transition impact aid available to school districts that approve a new charter school ~~or that have funds withheld by the State Board to fund a new charter school that is chartered by the Commission~~. The amount of the aid shall equal 90% of the per capita funding paid to the charter school during the first year of its initial charter term, 65% of the per capita funding paid to the charter school during the second year of its initial term, and 35% of the per capita funding paid to the charter school during the third year of its initial term. This transition impact aid shall be paid to the local school board in equal quarterly installments, with the payment of the installment for the first quarter being made by August 1st immediately preceding the first, second, and third years of the initial term. The district shall file an application for this aid with the State Board in a format designated by the State Board. If the appropriation is insufficient in any year to pay all approved claims, the impact aid shall be prorated. ~~However, for fiscal year 2004, the State Board of Education shall pay approved claims only for charter schools with a valid charter granted prior to June 1, 2003.~~ If any funds remain after

these claims have been paid, then the State Board ~~of Education~~ may pay all other approved claims on a pro rata basis. Transition impact aid shall be paid ~~beginning in the 1999-2000 school year~~ for charter schools that are in the first, second, or third year of their initial term. Transition impact aid shall not be paid for any charter school that is proposed and created by one or more boards of education, as authorized under subsection (b) of Section 27A-7 ~~the provisions of Public Act 91-405~~.

(2) From a separate appropriation made for the purpose of this subdivision (2), the State Board shall make grants to charter schools to pay their start-up costs of acquiring educational materials and supplies, textbooks, electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks, furniture, and other equipment or materials needed during their initial term. The State Board shall annually establish the time and manner of application for these grants, which shall not exceed \$250 per student enrolled in the charter school.

(3) The Charter Schools Revolving Loan Fund is created as a special fund in the State treasury. Federal funds, such other funds as may be made available for costs associated with the establishment of charter schools in Illinois, and amounts repaid by charter schools that have received a loan from the Charter Schools Revolving Loan

Fund shall be deposited into the Charter Schools Revolving Loan Fund, and the moneys in the Charter Schools Revolving Loan Fund shall be appropriated to the State Board and used to provide interest-free loans to charter schools. These funds shall be used to pay start-up costs of acquiring educational materials and supplies, textbooks, electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks, furniture, and other equipment or materials needed in the initial term of the charter school and for acquiring and remodeling a suitable physical plant, within the initial term of the charter school. Loans shall be limited to one loan per charter school and shall not exceed \$750 per student enrolled in the charter school. A loan shall be repaid by the end of the initial term of the charter school. The State Board may deduct amounts necessary to repay the loan from funds due to the charter school or may require that the local school board that authorized the charter school deduct such amounts from funds due the charter school and remit these amounts to the State Board, provided that the local school board shall not be responsible for repayment of the loan. The State Board may use up to 3% of the appropriation to contract with a non-profit entity to administer the loan program.

(4) A charter school may apply for and receive, subject to the same restrictions applicable to school

districts, any grant administered by the State Board that is available for school districts.

If a charter school fails to make payments toward administrative costs, the State Board may withhold State funds from that school until it has made all payments for those costs.

(Source: P.A. 101-543, eff. 8-23-19.)

(105 ILCS 5/27A-12)

Sec. 27A-12. Evaluation; report. On or before September 30 of every odd-numbered year, all local school boards with at least one charter school, ~~as well as the Commission,~~ shall submit to the State Board any information required by the State Board pursuant to applicable rule. On or before the second Wednesday in January of every even-numbered year, the State Board shall issue a report to the General Assembly and the Governor on its findings for the previous 2 school years. The State Board's report shall summarize all of the following:

(1) The authorizer's strategic vision for chartering and progress toward achieving that vision.

(2) The academic and financial performance of all operating charter schools overseen by the authorizer, according to the performance expectations for charter schools set forth in this Article.

(3) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the

following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened.

(4) The authorizing functions provided by the authorizer to the charter schools under its purview, including the authorizer's operating costs and expenses detailed in annual audited financial statements, which must conform with generally accepted accounting principles.

Further, in the report required by this Section, the State Board (i) shall compare the performance of charter school pupils with the performance of ethnically and economically comparable groups of pupils in other public schools who are enrolled in academically comparable courses, (ii) shall review information regarding the regulations and policies from which charter schools were released to determine if the exemptions assisted or impeded the charter schools in meeting their stated goals and objectives, and (iii) shall include suggested changes in State law necessary to strengthen charter schools.

In addition, the State Board shall undertake and report on periodic evaluations of charter schools that include evaluations of student academic achievement, the extent to which charter schools are accomplishing their missions and goals, the sufficiency of funding for charter schools, and the need for changes in the approval process for charter schools.

Based on the information that the State Board receives

from authorizers and the State Board's ongoing monitoring of both charter schools and authorizers, the State Board has the power to remove the power to authorize from any authorizer in this State if the authorizer does not demonstrate a commitment to high-quality authorization practices and, if necessary, revoke the chronically low-performing charters authorized by the authorizer at the time of the removal. The State Board shall adopt rules as needed to carry out this power, including provisions to determine the status of schools authorized by an authorizer whose authorizing power is revoked.

(Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)

(105 ILCS 5/27A-13)

Sec. 27A-13. Rules. The State Board ~~of Education~~ is authorized to adopt any rules not inconsistent with this Article that it deems necessary to implement and accomplish the purposes and provisions of this Article.

(Source: P.A. 89-450, eff. 4-10-96.)

(105 ILCS 5/34-18.20)

Sec. 34-18.20. Time out, isolated time out, restraint, and necessities; limitations and prohibitions.

(a) The General Assembly finds and declares that the use of isolated time out, time out, and physical restraint on children and youth carries risks to the health and safety of students and staff; therefore, the ultimate goal is to reduce

and eventually eliminate the use of those interventions. The General Assembly also finds and declares that the State Board of Education must take affirmative action to lead and support schools in transforming the school culture to reduce and eliminate the use of all such interventions over time.

(b) In this Section:

"Chemical restraint" means the use of medication to control a student's behavior or to restrict a student's freedom of movement. "Chemical restraint" does not include medication that is legally prescribed and administered as part of a student's regular medical regimen to manage behavioral symptoms and treat medical symptoms.

"Isolated time out" means the involuntary confinement of a student alone in a time out room or other enclosure outside of the classroom without a supervising adult in the time out room or enclosure.

"Isolated time out" or "time out" does not include a student-initiated or student-requested break, a student-initiated sensory break or a teacher-initiated sensory break that may include a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including the student's brief removal to the hallway or similar environment.

"Mechanical restraint" means the use of any device or equipment to limit a student's movement or to hold a student

immobile. "Mechanical restraint" does not include any restraint used to (i) treat a student's medical needs; (ii) protect a student who is known to be at risk of injury resulting from a lack of coordination or frequent loss of consciousness; (iii) position a student with physical disabilities in a manner specified in the student's individualized education program, federal Section 504 plan, or other plan of care; (iv) provide a supplementary aid, service, or accommodation, including, but not limited to, assistive technology that provides proprioceptive input or aids in self-regulation; or (v) promote student safety in vehicles used to transport students.

"Physical restraint" or "restraint" means holding a student or otherwise restricting a student's movements. "Physical restraint" or "restraint" does not include momentary periods of physical restriction by direct person to person contact, without the aid of material or mechanical devices, that are accomplished with limited force and that are designed to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property.

"Prone physical restraint" means a physical restraint in which a student is held face down on the floor or other surface and physical pressure is applied to the student's body to keep the student in the prone position.

"Time out" means a behavior management technique for the

purpose of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with a trained adult for part of the school day, only for a brief time, in a nonlocked setting.

(c) Isolated time out, time out, and physical restraint, other than prone physical restraint, may be used only if (i) the student's behavior presents an imminent danger of serious physical harm to the student or to others; (ii) other less restrictive and intrusive measures have been tried and have proven to be ineffective in stopping the imminent danger of serious physical harm; (iii) there is no known medical contraindication to its use on the student; and (iv) the school staff member or members applying the use of time out, isolated time out, or physical restraint on a student have been trained in its safe application, as established by rule by the State Board of Education. Isolated time out is allowed only under limited circumstances as set forth in this Section. If all other requirements under this Section are met, isolated time out may be used only if the adult in the time out room or enclosure is in imminent danger of serious physical harm because the student is unable to cease actively engaging in extreme physical aggression.

Mechanical restraint and chemical restraint are prohibited. Prone restraint is prohibited except when all of the following conditions are satisfied:

- (1) The student's Behavior Intervention Plan

specifically allows for prone restraint of the student.

(2) The Behavior Intervention Plan was put into place before January 1, 2021.

(3) The student's Behavior Intervention Plan has been approved by the IEP team.

(4) The school staff member or staff members applying the use of prone restraint on a student have been trained in its safe application as established by rule by the State Board of Education.

(5) The school must be able to document and demonstrate to the IEP team that the use of other de-escalation techniques provided for in the student's Behavior Intervention Plan were ineffective.

(6) The use of prone restraint occurs within the ~~school years of 2021-2022~~ school year ~~and 2022-2023~~.

All instances of the utilization of prone restraint must be reported in accordance with the provisions of this amendatory Act of the 102nd General Assembly. Nothing in this Section shall prohibit the State Board of Education from adopting administrative rules that further restrict or disqualify the use of prone restraint.

(d) The use of any of the following rooms or enclosures for an isolated time out or time out purposes is prohibited:

(1) a locked room or a room in which the door is obstructed, prohibiting it from opening;

(2) a confining space such as a closet or box;

(3) a room where the student cannot be continually observed; or

(4) any other room or enclosure or time out procedure that is contrary to current rules adopted by the State Board of Education.

(e) The deprivation of necessities needed to sustain the health of a person, including, without limitation, the denial or unreasonable delay in the provision of the following, is prohibited:

(1) food or liquid at a time when it is customarily served;

(2) medication; or

(3) the use of a restroom.

(f) (Blank).

(g) Following each incident of isolated time out, time out, or physical restraint, but no later than 2 school days after the incident, the principal or another designated administrator shall notify the student's parent or guardian that he or she may request a meeting with appropriate school personnel to discuss the incident. This meeting shall be held separate and apart from meetings held in accordance with the student's individualized education program or from meetings held in accordance with the student's plan for services under Section 504 of the federal Rehabilitation Act of 1973. If a parent or guardian requests a meeting, the meeting shall be convened within 2 school days after the request, provided that

the 2-school day limitation shall be extended if requested by the parent or guardian. The parent or guardian may also request that the meeting be convened via telephone or video conference.

The meeting shall include the student, if appropriate, at least one school staff member involved in the incident of isolated time out, time out, or physical restraint, the student's parent or guardian, and at least one appropriate school staff member not involved in the incident of isolated time out, time out, or physical restraint, such as a social worker, psychologist, nurse, or behavioral specialist. During the meeting, the school staff member or members involved in the incident of isolated time out, time out, or physical restraint, the student, and the student's parent or guardian, if applicable, shall be provided an opportunity to describe (i) the events that occurred prior to the incident of isolated time out, time out, or physical restraint and any actions that were taken by school personnel or the student leading up to the incident; (ii) the incident of isolated time out, time out, or physical restraint; and (iii) the events that occurred or the actions that were taken following the incident of isolated time out, time out, or physical restraint and whether the student returned to regular school activities and, if not, how the student spent the remainder of the school day. All parties present at the meeting shall have the opportunity to discuss what school personnel could have done differently to avoid the

incident of isolated time out, time out, or physical restraint and what alternative courses of action, if any, the school can take to support the student and to avoid the future use of isolated time out, time out, or physical restraint. At no point may a student be excluded from school solely because a meeting has not occurred.

A summary of the meeting and any agreements or conclusions reached during the meeting shall be documented in writing and shall become part of the student's school record. A copy of the documents shall be provided to the student's parent or guardian. If a parent or guardian does not request a meeting within 10 school days after the school has provided the documents to the parent or guardian or if a parent or guardian fails to attend a requested meeting, that fact shall be documented as part of the student's school record.

(h) Whenever isolated time out, time out, or physical restraint is used, school personnel shall fully document and report to the State Board of Education the incident, including the events leading up to the incident, what alternative measures that are less restrictive and intrusive were used prior to the use of isolated time out, time out, or physical restraint, why those measures were ineffective or deemed inappropriate, the type of restraint, isolated time out, or time out that was used, the length of time the student was in isolated time out or time out or was restrained, and the staff involved. The parents or guardian of a student and the State

Superintendent of Education shall be informed whenever isolated time out, time out, or physical restraint is used.

Schools shall provide parents and guardians with the following information, to be developed by the State Board and which may be incorporated into the State Board's prescribed physical restraint and time out form at the discretion of the State Board, after each incident in which isolated time out, time out, or physical restraint is used during the school year, in printed form or, upon the written request of the parent or guardian, by email:

(1) a copy of the standards for when isolated time out, time out, and physical restraint can be used;

(2) information about the rights of parents, guardians, and students; and

(3) information about the parent's or guardian's right to file a complaint with the State Superintendent of Education, the complaint process, and other information to assist the parent or guardian in navigating the complaint process.

(i) Any use of isolated time out, time out, or physical restraint that is permitted by the board's policy shall be implemented in accordance with written procedures.

(Source: P.A. 102-339, eff. 8-13-21.)

(105 ILCS 5/34-18.61)

Sec. 34-18.61. Self-administration of medication.

(a) In this Section, "asthma action plan" has the meaning given to that term under Section 22-30.

(b) Notwithstanding any other provision of law, the school district must allow any student with an asthma action plan, an Individual Health Care Action Plan, an allergy emergency action plan ~~Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form~~, a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or a plan pursuant to the federal Individuals with Disabilities Education Act to self-administer any medication required under those plans if the student's parent or guardian provides the school district with (i) written permission for the student's self-administration of medication and (ii) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication. A parent or guardian must also provide to the school district the prescription label for the medication, which must contain the name of the medication, the prescribed dosage, and the time or times at which or the circumstances under which the medication is to be administered. Information received by the school district under this subsection shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(c) The school district must adopt an emergency action plan for a student who self-administers medication under

subsection (b). The plan must include both of the following:

(1) A plan of action in the event a student is unable to self-administer medication.

(2) The situations in which a school must call 9-1-1.

(d) The school district and its employees and agents shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication by a student under subsection (b). The student's parent or guardian must sign a statement to this effect, which must acknowledge that the parent or guardian must indemnify and hold harmless the school district and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication by a student.

(Source: P.A. 101-205, eff. 1-1-20; 102-558, eff. 8-20-21.)

(105 ILCS 5/2-3.10 rep.)

(105 ILCS 5/2-3.25e-5 rep.)

(105 ILCS 5/2-3.143 rep.)

(105 ILCS 5/13B-35.10 rep.)

(105 ILCS 5/13B-35.15 rep.)

(105 ILCS 5/13B-35.20 rep.)

Section 15. The School Code is amended by repealing Sections 2-3.10, 2-3.25e-5, 2-3.143, 13B-35.10, 13B-35.15, and 13B-35.20.

Section 20. The Educational Opportunity for Military Children Act is amended by changing Sections 20 and 40 as follows:

(105 ILCS 70/20)

Sec. 20. Definitions. For purposes of this Act:

"Active duty military personnel" means active duty members of the uniformed military services, including any of the following:

(1) Members of the National Guard and Reserve that are on active duty pursuant to 10 U.S.C. 1209 and 10 U.S.C. 1211.

(2) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.

(3) Members of the uniformed services who die on active duty for a period of one year after death.

"Non-custodial parent" means a person who has temporary custody of the child of any active duty military personnel and who is responsible for making decisions for that child.

"State Council" means the State Superintendent of Education or the State Superintendent's designee and additional individuals appointed by the Governor ~~Illinois P-20 Council and additional representatives appointed by the Illinois P-20 Council~~ as provided under Section 40 of this

Act.

(Source: P.A. 98-673, eff. 6-30-14.)

(105 ILCS 70/40)

Sec. 40. State coordination.

(a) Each member state of the Interstate Commission on Educational Opportunity for Military Children shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the State's participation in and compliance with the compact and Interstate Commission activities. The State Council shall be comprised of (i) the State Superintendent of Education or the State Superintendent's designee and (ii) the following individuals, who shall be appointed by the Governor for State Council membership: ~~The State Council shall be comprised of the Illinois P-20 Council,~~

(1) one member of the General Assembly, recommended by the Speaker of the House of Representatives;

(2) one member of the General Assembly, recommended by the Minority Leader of the House of Representatives;

(3) one member of the General Assembly, recommended by the President of the Senate;

(4) one member of the General Assembly, recommended by Minority Leader of the Senate;

(5) a representative from a school district associated with U.S. Army Garrison - Rock Island Arsenal having the highest percentage of students who are children of active duty military personnel;~~;~~

(6) a representative from a school district associated with Scott Air Force Base having the highest percentage of students who are children of active duty military personnel;~~;~~

(7) a representative from a school district associated with Naval Station Great Lakes having the highest percentage of students who are children of active duty military personnel; ~~and, a representative from the school district with the highest percentage of students who are children of active duty military personnel not already represented in the State Council, and a non-voting~~

(8) a representative recommended ~~appointed~~ by each active-duty military installation commander in this State.

Members appointed to the State Council must reflect, as much as possible, the racial, ethnic, and geographic diversity of this State.

(b) The compact commissioner responsible for the administration and management of the State's participation in the compact shall be appointed by the Governor from the membership of the State Council ~~the State Council~~.

(Source: P.A. 97-216, eff. 1-1-12; 98-673, eff. 6-30-14.)

Section 25. The School Safety Drill Act is amended by changing Sections 5, 30, and 45 as follows:

(105 ILCS 128/5)

Sec. 5. Definitions. In this Act:

"First responder" means and includes all fire departments and districts, law enforcement agencies and officials, emergency medical responders, emergency medical dispatchers, and emergency management officials involved in the execution and documentation of the drills administered under this Act.

"School" means a public or private facility that offers elementary or secondary education to students under the age of 21, ~~a charter school authorized by the State Board of Education, or a special education cooperative.~~ As used in this definition, "public facility" means a facility operated by the State or by a unit of local government. As used in this definition, "private facility" means any non-profit, non-home-based, non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code. While more than one school may be housed in a facility, for purposes of this Act, the facility shall be considered a school. When a school has more than one location, for purposes of this Act, each different location shall be considered its own school.

"School district" means any public school district

established under the School Code, any program of a special education joint agreement established under Section 3-15.14, 10-22.31, or 10-22.31a of the School Code, or any charter school authorized by the State Board of Education in accordance with Section 27A-7.5 of the School Code.

"School safety drill" means a pre-planned exercise conducted by a school in accordance with the drills and requirements set forth in this Act.

(Source: P.A. 102-894, eff. 5-20-22; 102-1006, eff. 1-1-23; revised 12-13-22.)

(105 ILCS 128/30)

Sec. 30. Reporting; duties of the State Fire Marshal, regional superintendents, and the State Board of Education.

(a) ~~The State Board of Education Office of the State Fire Marshal shall accept, directly, one-page annual review compliance reports from private schools. The Office of the State Fire Marshal shall create a mechanism for the reporting and filing of these reports and give notice to the private schools as to how this reporting shall be made. The Office of the State Fire Marshal shall make these records available directly to the State Board of Education.~~

(b) Each regional superintendent of schools shall provide an annual school safety review compliance report to the State Board of Education as a part of its regular annual report to the State Board, which shall set forth those school districts

that have successfully completed their annual review and those school districts that have failed to complete their annual review. These reports shall be delivered to the State Board of Education on or before October 1 of each year.

(c) The State Board of Education shall create a mechanism for the reporting and filing of annual school safety review compliance reports and give notice to each regional superintendent of schools and private schools as to how to file reports. The State Board of Education shall file and maintain records of the annual school safety review compliance reports received from each of the regional superintendents of schools and private schools. The State Board shall be responsible for ensuring access to the records by the Office of the State Fire Marshal and other State agencies. The State Board shall provide an annual report to the Office of the Governor and the Office of the State Fire Marshal concerning the compliance of school districts and private schools with the annual school safety review requirement.

(Source: P.A. 94-600, eff. 8-16-05.)

(105 ILCS 128/45)

Sec. 45. Threat assessment procedure.

(a) Each school district must implement a threat assessment procedure that may be part of a school board policy on targeted school violence prevention. The procedure must include the creation of a threat assessment team. The team

must include all of the following members:

(1) An administrator employed by the school district or a special education cooperative that serves the school district and is available to serve.

(2) A teacher employed by the school district or a special education cooperative that serves the school district and is available to serve.

(3) A school counselor employed by the school district or a special education cooperative that serves the school district and is available to serve.

(4) A school psychologist employed by the school district or a special education cooperative that serves the school district and is available to serve.

(5) A school social worker employed by the school district or a special education cooperative that serves the school district and is available to serve.

(6) At least one law enforcement official.

If a school district is unable to establish a threat assessment team with school district staff and resources, it may utilize a regional behavioral threat assessment and intervention team that includes mental health professionals and representatives from the State, county, and local law enforcement agencies.

(b) A school district shall establish the threat assessment team under this Section no later than 180 days after August 23, 2019 (the effective date of Public Act

101-455) ~~this amendatory Act of the 101st General Assembly~~ and must implement an initial threat assessment procedure no later than 120 days after August 23, 2019 (the effective date of Public Act 101-455) ~~this amendatory Act of the 101st General Assembly~~. Each year prior to the start of the school year, the school board shall file the threat assessment procedure and a list identifying the members of the school district's threat assessment team or regional behavior threat assessment and intervention team with (i) a local law enforcement agency and (ii) the regional office of education or, with respect to a school district organized under Article 34 of the School Code, the State Board of Education.

(b-5) A charter school operating under a charter issued by a local board of education may adhere to the local board's threat assessment procedure or may implement its own threat assessment procedure in full compliance with the requirements of this Section. The charter agreement shall specify in detail how threat assessment procedures will be determined for the charter school.

(b-10) A special education cooperative operating under a joint agreement must implement its own threat assessment procedure in full compliance with the requirements of this Section, including the creation of a threat assessment team, which may consist of individuals employed by the member districts. The procedure must include actions the special education cooperative will take in partnership with its member

districts to address a threat.

(c) Any sharing of student information under this Section must comply with the federal Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act.

(d) (Blank). ~~A charter school must follow the threat assessment procedures implemented by its authorizing school district or must implement its own threat assessment procedure that complies with this Section.~~

(Source: P.A. 101-455, eff. 8-23-19; 102-791, eff. 5-13-22; 102-894, eff. 5-20-22; revised 8-25-22.)

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

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

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105 ILCS 5/2-3.25c from Ch. 122, par. 2-3.25c

105 ILCS 5/2-3.25d-5

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105 ILCS 5/2-3.195

105 ILCS 5/10-22.21b from Ch. 122, par. 10-22.21b

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