

AN ACT concerning education.

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

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

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

(5 ILCS 140/7.5)

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

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

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

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

has received.

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

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

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

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

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

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

(j) Information and data concerning the distribution

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Code.

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

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

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

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

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

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

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

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

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

enforcement agency under the First Responders Suicide Prevention Act.

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

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

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

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

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

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

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

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

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

(zz) Information prohibited from being disclosed under



the Illinois Public Labor Relations Act.

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

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

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

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

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

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

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

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

cartridge endorsement under the Firearm Owners Identification Card Act.

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

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

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

(105 ILCS 5/2-3.196 new)

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

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

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

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

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

(A) sexual harassment;

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

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

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

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

(F) retaliation.

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

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

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

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

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

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

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

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

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

(105 ILCS 5/22-95 new)

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

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

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

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

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

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

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

pursuant to subsection (c);

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(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. 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. 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) 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. 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. 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; ~~and~~

(33) Section 2-3.196 of this Code;

(34) Section 22-95 of this Code;

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



(36) the Illinois Human Rights Act.

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 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. 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. 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) 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. 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. 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; ~~;~~
- (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; ~~;~~
- (32) ~~(25)~~ Section 22-85.10 of this Code; ~~;~~
- (33) Section 2-3.196 of this Code;
- (34) Section 22-95 of this Code;
- (35) Section 34-18.62 of this Code; and
- (36) the Illinois Human Rights Act.

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 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. 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. 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) 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. 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. 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; ~~i-~~

(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; ~~-~~

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

(33) Section 2-3.196 of this Code;

(34) Section 22-95 of this Code;

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

(36) the Illinois Human Rights Act.

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 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 5/34-18.62)

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

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

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

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

22-95 of this Code.

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

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

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

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

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

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

(C) Freedom from Discrimination Based on Citizenship

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

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

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

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

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

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

government and in their relations with the public.

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

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

(775 ILCS 5/5-102.2)

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

(10) Any grade the student will receive in any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(775 ILCS 5/5A-103 new)

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

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

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

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

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

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

(3) examples of conduct that constitutes

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

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

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

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

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

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

(a) students toward other students;

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

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

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

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

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

(a) students toward other students;

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

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

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

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

(c) Every institution of elementary or secondary education



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 August 1, 2024.