



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4013

Introduced 1/8/2020, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-84 new

Amends the School Code. Provides that a public school that has a limited open forum may not deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct or participate in a meeting or an extracurricular student group within its limited open forum on the basis of the religious, political, philosophical, or other content of the speech at the meeting. Defines terms. Describes what is deemed a fair opportunity. Provides that an extracurricular student group may be student-initiated or teacher-initiated. Provides that a teacher who initiates an extracurricular student group may not receive additional compensation for the teacher's sponsorship of the extracurricular student group, but the extracurricular student group may accept grants or donations from nonprofit organizations to support its operations and activities. Effective July 31, 2020.

LRB101 13806 AWJ 62664 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by adding Section
5 22-84 as follows:

6 (105 ILCS 5/22-84 new)

7 Sec. 22-84. Student meeting and group equal access;
8 teacher-initiated student groups.

9 (a) As used in this Section:

10 "Access" means all recognition and privileges afforded to
11 student meetings or extracurricular student groups at a school,
12 including physical meeting space on school premises,
13 announcements of meetings in the school newspaper or on
14 bulletin boards, and announcements over the public address
15 system.

16 "Extracurricular student group" means a student-initiated
17 or teacher-initiated, noncurriculum-related student group
18 limited to students currently enrolled in a school.

19 "Limited open forum" means when a school grants an offering
20 to or opportunity for one or more extracurricular student
21 groups to meet on school premises during noninstructional time.

22 "Meeting" includes activities of extracurricular student
23 groups that are permitted under a school's limited open forum

1 and are not directly related to the school curriculum.

2 "Noninstructional time" means time set aside by a school
3 before actual classroom instruction begins or after actual
4 classroom instruction ends.

5 (b) A public school that has a limited open forum may not
6 deny equal access or a fair opportunity to, or discriminate
7 against, any students who wish to conduct or participate in a
8 meeting or an extracurricular student group within that limited
9 open forum on the basis of the religious, political,
10 philosophical, or other content of the speech at the meeting.

11 (c) Schools shall be deemed to offer a fair opportunity to
12 students who wish to conduct or participate in a meeting or an
13 extracurricular student group within its limited open forum if
14 the school uniformly provides that:

15 (1) the participation in the meeting is voluntary and
16 student-initiated;

17 (2) there is no sponsorship of the meeting by the
18 school or its agents or employees;

19 (3) employees or agents of the school are present at
20 religious meetings only in a nonparticipatory capacity;

21 (4) the meeting does not materially and substantially
22 interfere with the orderly conduct of educational
23 activities within the school; and

24 (5) nonschool persons may not direct, conduct,
25 control, or regularly attend activities of extracurricular
26 student groups.

1 (d) An extracurricular student group may be
2 student-initiated or teacher-initiated. A teacher who
3 initiates an extracurricular student group may not receive
4 additional compensation for the teacher's sponsorship of the
5 extracurricular student group, but the extracurricular student
6 group may accept grants or donations from nonprofit
7 organizations to support its operations and activities.

8 (e) Nothing in this Section shall be construed to authorize
9 a school:

10 (1) to influence the form or content of any prayer or
11 other religious activity;

12 (2) to require any person to participate in a prayer or
13 other religious activity;

14 (3) to expend public funds beyond the incidental cost
15 of providing the space for student-initiated meetings;

16 (4) to compel any school agent or employee to attend a
17 school meeting if the content of the speech at the meeting
18 is contrary to the beliefs of the agent or employee;

19 (5) to sanction meetings that are otherwise unlawful;

20 (6) to limit the rights of groups of students that are
21 not of a specified numerical size; or

22 (7) to abridge the constitutional rights of any person.

23 (f) Nothing in this Section shall be construed to limit the
24 authority of the school or its agents or employees to maintain
25 order and discipline on school premises, to protect the
26 well-being of students and faculty, and to ensure that

1 attendance of students at meetings or extracurricular student
2 groups is voluntary.

3 Section 99. Effective date. This Act takes effect July 31,
4 2020.