



Rep. Kathleen Willis

Filed: 3/9/2021

10200HB1736ham001

LRB102 14083 CMG 23232 a

1 AMENDMENT TO HOUSE BILL 1736

2 AMENDMENT NO. _____. Amend House Bill 1736 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 10-23.13, 27A-5, and 34-18.8 and by adding Section
6 27-9.1a as follows:

7 (105 ILCS 5/10-23.13)

8 Sec. 10-23.13. Policies addressing sexual abuse.

9 (a) In this Section, "evidence-informed" refers to
10 modalities that were created utilizing components of
11 evidence-based treatments or curriculums.

12 (b) To adopt and implement, by no later than July 1, 2022,
13 a policy addressing sexual abuse of children that shall ~~may~~
14 include an age-appropriate and evidence-informed curriculum
15 for students in pre-K through 12th ~~5th~~ grade;
16 evidence-informed training for school personnel on child

1 sexual abuse; evidence-informed educational information to
2 parents or guardians provided in the school handbook on the
3 warning signs of a child being abused, along with any needed
4 assistance, referral, or resource information; available
5 counseling and resources for students affected by sexual
6 abuse; and emotional and educational support for a child ~~of~~
7 ~~abuse~~ to continue to be successful in school. A school
8 district shall include in its policy and all training
9 materials and instruction a definition of prohibited grooming
10 behaviors and boundary violations for school personnel and how
11 to report these behaviors to school authorities.

12 Any policy adopted under this Section shall ~~may~~ address
13 without limitation:

14 (1) methods for increasing teacher, student, and
15 parent awareness of issues regarding sexual abuse of
16 children, including awareness and knowledge of likely
17 warning signs indicating that a child may be a victim of
18 sexual abuse, awareness and knowledge of grooming
19 behaviors and how to report those behaviors to school
20 authorities, and how to prevent child abuse from
21 happening;

22 (1.5) evidence-informed training for school personnel
23 on preventing, recognizing, reporting, and responding to
24 child sexual abuse and grooming behavior, including, but
25 not limited to, training as outlined in Section 10-22.39;

26 (2) options ~~actions~~ that a student ~~child~~ who is a

1 victim of sexual abuse has ~~should take~~ to obtain
2 assistance and intervention; ~~and~~

3 (3) available counseling options for students affected
4 by sexual abuse; ~~and~~

5 (4) methods for educating school personnel, students,
6 and staff on how to report child abuse to law enforcement
7 authorities and to the Department of Children and Family
8 Services and how to report grooming behaviors to school
9 authorities; and

10 (5) education and information about children's
11 advocacy centers and sexual assault centers and
12 information about how to access a children's advocacy
13 center or sexual assault center serving the district.

14 This Section may be referred to as Erin's Law.

15 (Source: P.A. 96-1524, eff. 2-14-11.)

16 (105 ILCS 5/27-9.1a new)

17 Sec. 27-9.1a. Responsible education for adolescent and
18 children's health (REACH).

19 (a) This Section may be referred to as the REACH Law.

20 (b) The General Assembly finds all of the following:

21 (1) Personal health and safety education can encourage
22 better sexual health outcomes, reduce stigmas, and prepare
23 young people to lead healthy and fulfilling lives.

24 (2) Students who receive personal health and safety
25 education that includes health-positive instruction on

1 sexual orientation, gender identity, and gender expression
2 report less bullying and harassment.

3 (3) The leading health and education organizations
4 support personal health and safety education that includes
5 information about both delaying sexual activity and the
6 effective use of contraception.

7 (4) Students often lack the education and support
8 needed to prevent unwanted or mistimed pregnancy, HIV, and
9 other sexually transmitted infections, to develop healthy
10 relationships, to plan for personal safety, and to develop
11 decision-making skills.

12 (5) Schools have a responsibility to address child
13 abuse, harassment, bullying, inter-personal violence, and
14 personal safety issues, which can have a significant
15 impact on a student's emotional and physical well-being
16 and academic success.

17 It is the intent of the General Assembly that
18 comprehensive personal health and safety education shall
19 promote awareness and healthy attitudes about growth and
20 development, body image, gender identity, gender expression,
21 sexuality, sexual health, sexual orientation, consent, dating,
22 relationships, and families; should be designed to promote
23 positive behaviors and reduce health-related risk behaviors;
24 and must be available to students in kindergarten through 12th
25 grade and provide students with the information, skills, and
26 support needed to acquire accurate information to make healthy

1 decisions throughout their lives.

2 (c) In this Section:

3 "Abstinence" means to refrain from engaging in any sexual
4 behavior or from engaging in specific sexual behavior, such as
5 sexual intercourse, either continuously or periodically.

6 "Age and developmentally appropriate" means suitable for a
7 particular age or age group of children and adolescents, based
8 on the cognitive, emotional, and behavioral development
9 typical of that age or age group.

10 "Characteristics of effective programs" means the aspects
11 of evidence-based programs, including development, content,
12 and the implementation of programs that have been shown to be
13 effective in increasing knowledge, clarifying values and
14 attitudes, increasing skills, and impacting behavior and are
15 widely recognized by leading medical and public health
16 agencies to be effective in changing sexual behaviors that
17 lead to sexually transmitted infections, including HIV,
18 unwanted or mistimed pregnancy, dating violence, and sexual
19 violence among young people.

20 "Comprehensive personal health and safety education" means
21 instruction in a comprehensive school health education
22 approach that addresses the physical, mental, emotional, and
23 social dimensions of human sexuality and is designed to
24 motivate and assist students in maintaining and improving
25 sexual health, developing skills for engaging in healthy
26 relationships, preventing abuse, preventing sexual and

1 interpersonal violence, preventing infection, and reducing
2 sexual health-related risk behaviors and to enable and empower
3 students to develop and demonstrate developmentally and
4 culturally appropriate sexuality and sexual health-related
5 knowledge, attitudes, skills, and practices.

6 "Consent" means knowing, affirmative, conscious, and
7 voluntary agreement to engage in specific interpersonal,
8 physical, or sexual activity at a given time.

9 "Culturally appropriate" means materials and instruction
10 that are inclusive of the experiences and needs of communities
11 of color, communities of all ethnic and cultural backgrounds,
12 immigrant communities, people whose primary language is not
13 English, people of diverse sexual orientations, gender
14 identities, and gender expressions, people who are intersex,
15 people with disabilities, people who have experienced sexual
16 victimization, and people whose experiences have traditionally
17 been left out of sexual health education, programs, and
18 policies.

19 "Gender stereotype" means a generalized view or
20 preconception about what attributes, characteristics, or roles
21 are or ought to be taught, possessed by, or performed by people
22 based on their gender identity.

23 "Human trafficking" means the recruitment, harboring,
24 transportation, provision, obtaining, patronizing, or
25 soliciting of a person for the purpose of labor, involuntary
26 servitude, debt bondage, slavery, or a commercial sex act,

1 which is induced by force, fraud, or coercion or in which the
2 person induced has not attained 18 years of age.

3 "Inclusive" means a curriculum that ensures that students
4 from marginalized communities that include, but are not
5 limited to, communities of color, immigrant communities,
6 people of diverse sexual orientations, gender identities, and
7 gender expressions, people who are intersex, people with
8 disabilities, people who have experienced sexual
9 victimization, and others whose experiences have been
10 traditionally left out of personal health and safety education
11 or related programs and policies are included in classroom
12 materials and lessons.

13 "Medically accurate and complete" means that the
14 information provided through instruction is verified or
15 supported by research conducted in compliance with accepted
16 scientific methods and is published in peer-reviewed journals
17 by the federal Centers for Disease Control and Prevention, the
18 American Public Health Association, the American Academy of
19 Pediatrics, and the American College of Obstetricians and
20 Gynecologists, if applicable, or a program contains
21 information that leading professional public health or medical
22 organizations, government agencies, and scientific advisory
23 groups with relevant expertise in the field recognize as
24 accurate, objective, and complete and the program does not
25 withhold information about external anatomy involved in sexual
26 functioning or in the effectiveness and benefits of correct

1 and consistent use of condoms and other contraceptives.

2 "Sexting" means the act of sending, sharing, receiving, or
3 forwarding a sexually explicit or sexually suggestive image,
4 video, or text message by a digital or electronic device,
5 including, but not limited to, a mobile or cellular telephone
6 or a computer.

7 "Sexual development" means the lifelong process of
8 physical, behavioral, cognitive, and emotional growth and
9 changes as it relates to an individual's sexuality and sexual
10 maturation. "Sexual development" includes puberty, identity
11 development, socio-cultural influences, and sexual behaviors.

12 "Sexual violence" means an act of a sexual nature that is
13 committed or attempted by another person without the freely
14 given consent of the victim or against someone who is unable to
15 consent or refuse. "Sexual violence" includes acts of sexual
16 harassment, sexual abuse, and sexual assault.

17 "Trauma informed" means to address vital information about
18 sexuality and well-being that takes into consideration how
19 adverse life experiences may potentially influence a person's
20 well-being and decision making.

21 (d) Comprehensive personal health and safety education
22 requirements for course materials and instruction under this
23 Section are as follows:

24 (1) Beginning no later than July 1, 2022,
25 comprehensive personal health and safety education shall
26 do all of the following:

1 (A) Reflect the characteristics of effective
2 programs.

3 (B) Use and implement curricula that is trauma
4 informed.

5 (C) Use or adopt curricula, materials, and
6 instruction that are inclusive and address the
7 experiences and needs of all youth in the school.

8 (D) Be accessible to students with disabilities,
9 which may include the use of a modified curriculum,
10 materials, instruction in alternative formats, and
11 auxiliary aids.

12 (E) Allow instructors to answer questions
13 initiated by a student that are related to and
14 consistent with the material of the course.

15 (F) Create a safe, inclusive, and culturally
16 appropriate environment for all students to learn
17 about and discuss personal health and healthy
18 relationships.

19 (G) Comply with standards developed by the State
20 Board of Education.

21 (2) Beginning no later than July 1, 2022,
22 comprehensive personal health and safety education
23 materials and instruction may not:

24 (A) use shame-based or stigmatizing language or
25 instructional tools;

26 (B) stigmatize parenting or sexually active youth;

1 (C) stigmatize or further victimize students
2 impacted by sexual violence;

3 (D) discriminate on the basis of sex, race,
4 ethnicity, national origin, disability, religion,
5 gender expression, gender identity, or sexual
6 orientation;

7 (E) exclude the health needs of individuals who
8 are intersex or individuals of diverse sexual
9 orientations, gender identities, or gender
10 expressions;

11 (F) employ gender expressions; or

12 (G) impose or promote any religious doctrine.

13 (3) Beginning no later than July 1, 2022,
14 comprehensive personal health and safety education
15 instruction and materials, including materials provided or
16 presented by outside organizations, resource persons, or
17 quest lecturers, may not conflict with the provisions of
18 this Section. All quest lecturers and resource persons
19 shall have expertise in comprehensive personal health and
20 safety education consistent with the provisions of this
21 Section.

22 (4) Beginning no later than July 1, 2022, a school
23 district shall provide inclusive, medically accurate and
24 complete, age and developmentally appropriate, and
25 culturally appropriate comprehensive personal health and
26 safety education in the 6th through 12th grades in all

1 public schools. Comprehensive personal health and safety
2 education in the 6th through 12th grades shall include age
3 and developmentally appropriate instruction on all of the
4 following topics:

5 (A) Human anatomy, reproduction, and sexual
6 development, including, but not limited to, the
7 following:

8 (i) physical, social, and emotional changes;

9 (ii) positive body image;

10 (iii) positive sexuality, including that there
11 is a range of healthy sexual behaviors that are
12 affirming and pleasurable;

13 (iv) the benefits of abstinence, behavioral
14 changes, the use of barrier methods, medication,
15 contraception, and sexually transmitted infection
16 prevention measures, including, but not limited
17 to, instruction that is related to how to
18 effectively use condoms, barrier methods, and
19 preventative medication to protect against
20 sexually transmitted infections, including HIV,
21 and to avoid pregnancy and how to effectively use
22 each method;

23 (v) the relationship between substance use and
24 sexual health and behaviors;

25 (vi) information about the rights of
26 individuals to obtain reproductive and sexual

1 health care; and

2 (vii) unbiased information and
3 non-stigmatizing information about the options
4 regarding pregnancy, including parenting,
5 adoption, and abortion.

6 (B) Diverse sexual orientations, gender
7 identities, and gender expressions, including
8 affirmative representation and health-positive
9 instruction.

10 (C) Gender-role stereotypes, including the
11 potential harm and limitations of such stereotypes.

12 (D) Healthy relationships, including, but not
13 limited to:

14 (i) affirming examples of diverse races,
15 ethnicities, genders, sexual orientations, gender
16 identities, gender expressions, and cultures;

17 (ii) distinguishing between healthy and
18 unhealthy relationships;

19 (iii) the skills of critical thinking, problem
20 solving, self-efficacy, exploring individual
21 values and attitudes, and decision making about
22 sexuality and relationships;

23 (iv) strategies for resisting peer pressure
24 and for communicating in a positive manner; and

25 (v) affirmative recognition of the roles that
26 traditions, values, norms, gender roles,

1 acculturation, family structure, beliefs, and
2 political power play in how students make
3 decisions that affect their sexual health.

4 (E) Consent and how to give and receive consent,
5 including a discussion that includes, but is not
6 limited to, all of the following:

7 (i) That consent is a freely given agreement
8 to sexual activity.

9 (ii) That consent to one particular sexual
10 activity does not constitute consent to other
11 types of sexual activities.

12 (iii) That a person's lack of verbal or
13 physical resistance or submission resulting from
14 the use or threat of force does not constitute
15 consent.

16 (iv) That a person's manner of dress does not
17 constitute consent.

18 (v) That a person's consent to past sexual
19 activity does not constitute consent to future
20 sexual activity.

21 (vi) That a person's consent to engage in
22 sexual activity with one person does not
23 constitute consent to engage in sexual activity
24 with another person.

25 (vii) That a person can withdraw consent at
26 any time.

1 (viii) That a person cannot consent to sexual
2 activity if that person is unable to understand
3 the nature of the activity or give knowing consent
4 due to certain circumstances that include, but are
5 not limited to:

6 (I) the person is incapacitated due to the
7 use or influence of alcohol or drugs;

8 (II) the person is asleep or unconscious;

9 (III) the person is a minor; or

10 (IV) the person is incapacitated due to a
11 mental disability.

12 (ix) The legal age of consent in Illinois.

13 (F) Personal safety, including, but not limited
14 to, both of the following:

15 (i) Bullying, harassment, coercion,
16 intimidation, violence, and abuse.

17 (ii) Information about interpersonal violence,
18 sexual violence, and human trafficking.

19 Information about human trafficking shall include
20 both of the following:

21 (I) Information on the prevalence, nature,
22 and strategies to reduce the risk of human
23 trafficking, techniques to set healthy
24 boundaries, and how to safely seek assistance.

25 (II) Information on how social media and
26 mobile device applications are used for human

1 trafficking.

2 (G) Information about the safe use of social
3 media, dating or relationship websites or
4 applications, and sexting, including, but not limited
5 to:

6 (i) the possible consequences of sharing or
7 forwarding sexually explicit or sexually
8 suggestive photographs or images, videos, or text
9 messages;

10 (ii) the identification of situations in which
11 bullying or harassment may result as a consequence
12 of using social media or dating applications or
13 engaging in sexting;

14 (iii) the possible long-term legal, social,
15 academic, and other consequences that may result
16 from possessing or distributing sexual content;

17 (iv) the importance of using the Internet
18 safely and how social media, dating applications,
19 and sexting may pose a risk to personal safety;
20 and

21 (v) the identification of individuals,
22 including school personnel, community members, and
23 parents, who may provide assistance with issues,
24 concerns, or problems resulting from use of the
25 Internet.

26 (H) Information about local resources where

1 students can obtain additional information and
2 confidential services related to bullying,
3 interpersonal and sexual violence, suicide prevention,
4 sexual and reproductive health, sexual orientation,
5 gender identity, gender expression, and other related
6 issues.

7 (I) Information about the sex equity policy of the
8 school or education system, the process for making a
9 complaint, the grievance procedure, and the school
10 official who is designated as the school's Title IX
11 coordinator.

12 (J) Information about mandated reporting of abused
13 and neglected children as required by the Abused and
14 Neglected Child Reporting Act.

15 (K) Information concerning the Abandoned Newborn
16 Infant Protection Act.

17 (L) Skills for effective communication with
18 parents or guardians, health and social service
19 professionals, other trusted adults, and peers about
20 sexual health and relationships.

21 (M) Skills to explore the roles that race,
22 ethnicity, immigration status, religious beliefs,
23 disability status, sexual orientation, gender
24 identity, gender expression, economic status, and
25 language within different communities play in how
26 students make decisions that affect their sexual

1 health and relationships.

2 (5) Beginning no later than July 1, 2023, a school
3 district shall provide inclusive, medically accurate and
4 complete, age and developmentally appropriate, and
5 culturally appropriate comprehensive personal health and
6 safety education in the 3rd through 5th grades in all
7 public schools. Comprehensive personal health and safety
8 education in the 3rd through 5th grades shall include age
9 and developmentally appropriate instruction on all of the
10 following topics:

11 (A) Human anatomy, reproduction, and sexual
12 development.

13 (B) Puberty, including the physical, social, and
14 emotional changes that occur during puberty and
15 adolescence.

16 (C) Positive body image.

17 (D) Personal hygiene.

18 (E) Information about diverse sexual orientations,
19 gender identities, and gender expressions, including
20 affirmative representation and health-positive
21 instruction.

22 (F) Gender-role stereotypes.

23 (G) Healthy relationships, including family and
24 friendships, and how to distinguish between healthy
25 and unhealthy relationships.

26 (H) Consent.

1 (I) Strategies for resisting peer pressure and for
2 communicating in a positive manner.

3 (J) Personal safety, including, but not limited
4 to, bullying, harassment, coercion, intimidation,
5 violence, and abuse.

6 (K) Reliance on and communication with parents and
7 trusted adults about issues related to puberty,
8 developing healthy relationships, and personal safety.

9 (L) Information about the safe use of social
10 media, dating or relationship websites or
11 applications, and sexting, including, but not limited
12 to:

13 (i) the possible consequences of sharing or
14 forwarding sexually explicit or sexually
15 suggestive photographs or images, videos, or text
16 messages;

17 (ii) the identification of situations in which
18 bullying or harassment may result as a consequence
19 of using social media and dating applications or
20 engaging in sexting;

21 (iii) the possible long-term legal, social,
22 academic, and other consequences that may result
23 from possessing or distributing sexual content;

24 (iv) the importance of using the Internet
25 safely and how social media, dating applications,
26 and sexting may pose a risk to personal safety;

1 (v) the identification of individuals,
2 including school personnel, community members, and
3 parents, who may provide assistance with issues,
4 concerns, or problems resulting from use of the
5 Internet; and

6 (vi) the development of strategies for
7 resisting peer pressure and for communicating in a
8 positive manner.

9 (M) Information about interpersonal violence,
10 sexual violence, and human trafficking. The
11 information about human trafficking shall include both
12 of the following:

13 (i) Information on the prevalence, nature, and
14 strategies to reduce the risk of human
15 trafficking, the techniques to set healthy
16 boundaries, and how to safely seek assistance.

17 (ii) Information about how social media and
18 mobile device applications are used for human
19 trafficking.

20 (N) Information about local resources where
21 students can obtain additional information and
22 confidential services related to bullying,
23 interpersonal and sexual violence, suicide prevention,
24 sexual and reproductive health, sexual orientation,
25 gender identity, gender expression, and other related
26 issues.

1 (O) Information about the sex equity policy of the
2 school or education system, the process for making a
3 complaint, the grievance procedure, and the school
4 official who is designated as the school's Title IX
5 coordinator.

6 (P) Information about mandated reporting of abused
7 and neglected children as required by the Abused and
8 Neglected Child Reporting Act.

9 (6) Beginning no later than July 1, 2023, a school
10 district shall provide inclusive, medically accurate and
11 complete, age and developmentally appropriate, and
12 culturally appropriate comprehensive personal health and
13 safety education in the 1st and 2nd grades and in
14 kindergarten if kindergarten is offered by the school.
15 Comprehensive personal health and safety education in
16 kindergarten through 2nd grade shall include age and
17 developmentally appropriate instruction on all of the
18 following topics:

19 (A) Human anatomy.

20 (B) Gender roles.

21 (C) Diverse family structures.

22 (D) Healthy relationships.

23 (E) Personal bodily autonomy and the concept of
24 consent.

25 (F) Bullying.

26 (G) How to promote personal safety, including

1 reliance on and communication with parents and trusted
2 adults.

3 (e) By no later than July 1, 2022, the State Board of
4 Education shall post on its website comprehensive personal
5 health and safety education resources that are inclusive,
6 medically accurate and complete, age and developmentally
7 appropriate, and culturally appropriate for use in
8 pre-kindergarten through the 12th grade. Any comprehensive
9 personal health and safety education offered to
10 pre-kindergarten students shall be age and developmentally
11 appropriate.

12 (f) School disclosure, parental requests, and notice are
13 as follows:

14 (1) It is the intent of the General Assembly to:

15 (A) encourage pupils to communicate with their
16 parents or guardians about human sexuality and health
17 needs and to respect the rights of parents and
18 guardians to supervise their children's education on
19 these subjects;

20 (B) create a streamlined process to make it easier
21 for parents and guardians to review materials and
22 evaluation tools related to comprehensive personal
23 health and safety education; and

24 (C) recognize that although parents and guardians
25 overwhelmingly support medically accurate and
26 complete, age and developmentally appropriate, and

1 culturally appropriate comprehensive personal health
2 and safety education, parents and guardians have the
3 ultimate responsibility for imparting values regarding
4 human sexuality to their children.

5 (2) A parent or guardian of a student has the right to
6 excuse his or her child from all or a part of comprehensive
7 personal health and safety education and assessments
8 related to that education through a passive consent
9 process. A school district may not require active parental
10 consent for comprehensive personal health and safety
11 education.

12 (3) A school district shall annually post information
13 on its Internet website about any curricula used to
14 provide comprehensive personal health and safety
15 education, including:

16 (A) whether the instruction during the prior
17 school year was provided by a teacher in the school, an
18 outside organization, or a guest lecturer or resource
19 person;

20 (B) the number of students who received the
21 instruction during the prior school year;

22 (C) the number of students excused from
23 instruction pursuant to this subsection (f) during the
24 prior school year;

25 (D) the duration of instruction, including the
26 number of hours of instruction per grade level during

1 the prior school year; and

2 (E) the name and contact information, including an
3 email address, of school personnel who can respond to
4 inquiries and comments about the instruction and
5 materials.

6 If any instruction is provided by an outside
7 organization or guest lecturer or resource person, the
8 school district shall specify the name of the outside
9 organization or the guest lecturer or resource person and
10 identify any organizations with which the guest lecturer
11 or resource person may be affiliated.

12 If an Internet website is not available, the
13 information must be provided in another format to school
14 administrators, school board members, school personnel,
15 parents, guardians, students, and the public.

16 (4) At the beginning of each school year or at the time
17 of a student's enrollment, a school district shall notify
18 the parent or guardian of each student about the
19 instruction planned for the coming school year about
20 comprehensive personal health and safety education and
21 research on student health, behaviors, and risks. The
22 notice shall do all of the following:

23 (A) Advise the parent or guardian that written and
24 audiovisual educational materials used in
25 comprehensive personal health and safety education,
26 including materials used by an outside organization,

1 guest lecturer, or resource person, are available for
2 inspection both to the parent or guardian and to the
3 public.

4 (B) Advise the parent or guardian whether the
5 comprehensive personal health and safety education
6 will be taught by school district personnel or by an
7 outside organization, guest lecturer, or resource
8 person. If comprehensive personal health and safety
9 education is to be taught by an outside organization,
10 guest lecturer, or resource person, the notice shall
11 include the date of the instruction, the name of the
12 organization or the affiliation of each guest speaker
13 or resource person, and information stating the right
14 of the parent or guardian to request a copy of the
15 educational materials to be used. If arrangements for
16 this instruction are made after the beginning of the
17 school year, the notice shall be made by mail or
18 another commonly used method of notification no fewer
19 than 14 days before the instruction is delivered.

20 (C) Include information explaining the parent's or
21 guardian's right to request a copy of this Section.

22 (D) Advise the parent or guardian that the parent
23 or guardian has the right to excuse the student from
24 comprehensive personal health and safety education and
25 that, in order to excuse the student, the parent or
26 guardian must submit his or her request in writing to

1 the school district.

2 (E) State that a student will not be subject to
3 disciplinary action, an academic penalty, or any other
4 sanction if the student's parent or guardian requests
5 the student not receive the instruction provided under
6 this Section. If a student's parent or guardian
7 requests that the student not receive the instruction
8 provided under this Section, the school is encouraged
9 to provide alternative assignments on a related topic.

10 (F) Identify the name and contact information,
11 including an email address, of school personnel who
12 can respond to inquiries and comments about the course
13 instruction and materials.

14 (g) A school district may collaborate with a local public
15 health department to identify and designate a qualified
16 employee of the local public health department as the school
17 district's point of contact for the purposes of responding to
18 inquiries and comments about course instruction and materials
19 under this Section.

20 (h) No later than July 1, 2022, the State Board of
21 Education shall develop, maintain, and make publicly available
22 State standards consistent with this Section that include, but
23 are not limited to, the national standards developed by
24 organizations such as Advocates for Youth, Answer, and the
25 Sexuality Information and Education Council of the United
26 States (SIECUS). In developing standards, the State Board

1 shall engage and seek the advice and input of stakeholders,
2 including, but not limited to, youth, parents, educators,
3 social workers, sexual and interpersonal violence prevention
4 experts, health care providers, and advocates.

5 (i) The State Board of Education shall adopt rules to
6 implement, administer, and ensure compliance with this
7 Section.

8 (105 ILCS 5/27A-5)

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

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

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

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

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

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

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

1 or its equivalent.

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

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

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

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

26 (e) Except as otherwise provided in the School Code, a

1 charter school shall not charge tuition; provided that a
2 charter school may charge reasonable fees for textbooks,
3 instructional materials, and student activities.

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

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

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

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

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

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

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

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

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

15 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

26 (14) Section 26-18 of this Code;

- 1 (15) Section 22-30 of this Code; ~~and~~
2 (16) Sections 24-12 and 34-85 of this Code; ~~i-~~
3 (17) the (16) The Seizure Smart School Act; i-
4 (18) Section 10-23.13 of this Code;
5 (19) Section 27-9.1a of this Code; and
6 (20) Section 34-18.8 of this Code.

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

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

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

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

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

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

23 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
24 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
25 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
26 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;

1 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

2 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

3 Sec. 34-18.8. HIV ~~AIDS~~ training. School guidance
4 counselors, nurses, teachers and other school personnel who
5 work with pupils shall ~~may~~ be trained to have a basic knowledge
6 of matters relating to human immunodeficiency virus (HIV)
7 ~~acquired immunodeficiency syndrome (AIDS)~~, including the
8 nature of the infection ~~disease~~, its causes and effects, the
9 means of detecting it and preventing its transmission, the
10 availability of appropriate sources of counseling and
11 referral, and any other medically accurate information that is
12 age and developmentally appropriate for ~~may be appropriate~~
13 ~~considering the age and grade level of~~ such pupils. The Board
14 of Education shall supervise such training. The State Board of
15 Education and the Department of Public Health shall jointly
16 develop standards for such training.

17 (Source: P.A. 86-900.)

18 (105 ILCS 5/27-9.1 rep.)

19 (105 ILCS 5/27-9.2 rep.)

20 (105 ILCS 5/27-11 rep.)

21 Section 10. The School Code is amended by repealing
22 Sections 27-9.1, 27-9.2, and 27-11.

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.".