



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5494

Introduced 1/31/2022, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-17a	from Ch. 122, par. 10-17a
105 ILCS 5/10-20.83 new	
105 ILCS 5/10-20.84 new	
105 ILCS 5/21B-75	
105 ILCS 5/27-3	from Ch. 122, par. 27-3
105 ILCS 5/27-9.1a	

Amends the School Code. Provides that school districts may not include certain concepts as part of a course, or allow teachers or other employees of the school district to use supplemental instructional materials that include or promote certain concepts. Provides for a complaint method and cause of action for violations. Sets forth provisions regarding notice, developing a complaint form, ways to determine if there is a valid complaint, and penalties. Provides that if a school district uses a third-party vendor in providing a personal analysis, evaluation, or survey that reveals or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third-party vendor and the school district may not collect or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student. Makes changes concerning courses in patriotism and principles of representative government education. Makes changes regarding courses in comprehensive personal health and safety and comprehensive sexual health education. Provides that the data on complaints shall be placed on the school's report card. Makes other changes. Effective immediately.

LRB102 24873 CMG 34122 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 changing Sections
5 10-17a, 21B-75, 27-3, and 27-9.1a and by adding Sections
6 10-20.83 and 10-20.84 as follows:

7 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

8 (Text of Section before amendment by P.A. 102-594)

9 Sec. 10-17a. State, school district, and school report
10 cards.

11 (1) By October 31, 2013 and October 31 of each subsequent
12 school year, the State Board of Education, through the State
13 Superintendent of Education, shall prepare a State report
14 card, school district report cards, and school report cards,
15 and shall by the most economical ~~economic~~ means provide to
16 each school district in this State, including special charter
17 districts and districts subject to the provisions of Article
18 34, the report cards for the school district and each of its
19 schools. Because of the impacts of the COVID-19 public health
20 emergency during school year 2020-2021, the State Board of
21 Education shall have until December 31, 2021 to prepare and
22 provide the report cards that would otherwise be due by
23 October 31, 2021. During a school year in which the Governor

1 has declared a disaster due to a public health emergency
2 pursuant to Section 7 of the Illinois Emergency Management
3 Agency Act, the report cards for the school districts and each
4 of its schools shall be prepared by December 31.

5 (2) In addition to any information required by federal
6 law, the State Superintendent shall determine the indicators
7 and presentation of the school report card, which must
8 include, at a minimum, the most current data collected and
9 maintained by the State Board of Education related to the
10 following:

11 (A) school characteristics and student demographics,
12 including average class size, average teaching experience,
13 student racial/ethnic breakdown, and the percentage of
14 students classified as low-income; the percentage of
15 students classified as English learners, the number of
16 students who graduate from a bilingual or English learner
17 program, and the number of students who graduate from,
18 transfer from, or otherwise leave bilingual programs; the
19 percentage of students who have individualized education
20 plans or 504 plans that provide for special education
21 services; the number and percentage of all students who
22 have been assessed for placement in a gifted education or
23 advanced academic program and, of those students: (i) the
24 racial and ethnic breakdown, (ii) the percentage who are
25 classified as low-income, and (iii) the number and
26 percentage of students who received direct instruction

1 from a teacher who holds a gifted education endorsement
2 and, of those students, the percentage who are classified
3 as low-income; the percentage of students scoring at the
4 "exceeds expectations" level on the assessments required
5 under Section 2-3.64a-5 of this Code; the percentage of
6 students who annually transferred in or out of the school
7 district; average daily attendance; the per-pupil
8 operating expenditure of the school district; and the
9 per-pupil State average operating expenditure for the
10 district type (elementary, high school, or unit);

11 (B) curriculum information, including, where
12 applicable, Advanced Placement, International
13 Baccalaureate or equivalent courses, dual enrollment
14 courses, foreign language classes, computer science
15 courses, school personnel resources (including Career
16 Technical Education teachers), before and after school
17 programs, extracurricular activities, subjects in which
18 elective classes are offered, health and wellness
19 initiatives (including the average number of days of
20 Physical Education per week per student), approved
21 programs of study, awards received, community
22 partnerships, and special programs such as programming for
23 the gifted and talented, students with disabilities, and
24 work-study students;

25 (C) student outcomes, including, where applicable, the
26 percentage of students deemed proficient on assessments of

1 State standards, the percentage of students in the eighth
2 grade who pass Algebra, the percentage of students who
3 participated in workplace learning experiences, the
4 percentage of students enrolled in post-secondary
5 institutions (including colleges, universities, community
6 colleges, trade/vocational schools, and training programs
7 leading to career certification within 2 semesters of high
8 school graduation), the percentage of students graduating
9 from high school who are college and career ready, and the
10 percentage of graduates enrolled in community colleges,
11 colleges, and universities who are in one or more courses
12 that the community college, college, or university
13 identifies as a developmental course;

14 (D) student progress, including, where applicable, the
15 percentage of students in the ninth grade who have earned
16 5 credits or more without failing more than one core
17 class, a measure of students entering kindergarten ready
18 to learn, a measure of growth, and the percentage of
19 students who enter high school on track for college and
20 career readiness;

21 (E) the school environment, including, where
22 applicable, high school dropout rate by grade level, the
23 percentage of students with less than 10 absences in a
24 school year, the percentage of teachers with less than 10
25 absences in a school year for reasons other than
26 professional development, leaves taken pursuant to the

1 federal Family Medical Leave Act of 1993, long-term
2 disability, or parental leaves, the 3-year average of the
3 percentage of teachers returning to the school from the
4 previous year, the number of different principals at the
5 school in the last 6 years, the number of teachers who hold
6 a gifted education endorsement, the process and criteria
7 used by the district to determine whether a student is
8 eligible for participation in a gifted education program
9 or advanced academic program and the manner in which
10 parents and guardians are made aware of the process and
11 criteria, 2 or more indicators from any school climate
12 survey selected or approved by the State and administered
13 pursuant to Section 2-3.153 of this Code, with the same or
14 similar indicators included on school report cards for all
15 surveys selected or approved by the State pursuant to
16 Section 2-3.153 of this Code, the combined percentage of
17 teachers rated as proficient or excellent in their most
18 recent evaluation, and, beginning with the 2022-2023
19 school year, data on the number of incidents of violence
20 that occurred on school grounds or during school-related
21 activities and that resulted in an out-of-school
22 suspension, expulsion, or removal to an alternative
23 setting, as reported pursuant to Section 2-3.162;

24 (F) a school district's and its individual schools'
25 balanced accountability measure, in accordance with
26 Section 2-3.25a of this Code;

1 (G) the total and per pupil normal cost amount the
2 State contributed to the Teachers' Retirement System of
3 the State of Illinois in the prior fiscal year for the
4 school's employees, which shall be reported to the State
5 Board of Education by the Teachers' Retirement System of
6 the State of Illinois;

7 (H) for a school district organized under Article 34
8 of this Code only, State contributions to the Public
9 School Teachers' Pension and Retirement Fund of Chicago
10 and State contributions for health care for employees of
11 that school district;

12 (I) a school district's Final Percent of Adequacy, as
13 defined in paragraph (4) of subsection (f) of Section
14 18-8.15 of this Code;

15 (J) a school district's Local Capacity Target, as
16 defined in paragraph (2) of subsection (c) of Section
17 18-8.15 of this Code, displayed as a percentage amount;

18 (K) a school district's Real Receipts, as defined in
19 paragraph (1) of subsection (d) of Section 18-8.15 of this
20 Code, divided by a school district's Adequacy Target, as
21 defined in paragraph (1) of subsection (b) of Section
22 18-8.15 of this Code, displayed as a percentage amount;

23 (L) a school district's administrative costs;

24 (M) whether or not the school has participated in the
25 Illinois Youth Survey. In this paragraph (M), "Illinois
26 Youth Survey" means a self-report survey, administered in

1 school settings every 2 years, designed to gather
2 information about health and social indicators, including
3 substance abuse patterns and the attitudes of students in
4 grades 8, 10, and 12; ~~and~~

5 (N) whether the school offered its students career and
6 technical education opportunities; ~~and~~

7 (O) the number of complaints filed with a school board
8 under Section 10-20.83 of this Code, including complaints
9 that were dismissed or investigated, the number of
10 complaints that were filed in which no violation was found
11 to have occurred, and the number of complaints that were
12 investigated and a violation was found to have occurred;
13 the number of disciplinary actions, other than
14 termination, that resulted from the findings of a
15 violation, the number of disciplinary actions that
16 resulted in termination resulting from a finding of a
17 violation, and the number of school employees that
18 resigned as a result of a finding that a violation
19 occurred.

20 The school report card shall also provide information that
21 allows for comparing the current outcome, progress, and
22 environment data to the State average, to the school data from
23 the past 5 years, and to the outcomes, progress, and
24 environment of similar schools based on the type of school and
25 enrollment of low-income students, special education students,
26 and English learners.

1 As used in this subsection (2):

2 "Administrative costs" means costs associated with
3 executive, administrative, or managerial functions within the
4 school district that involve planning, organizing, managing,
5 or directing the school district.

6 "Advanced academic program" means a course of study to
7 which students are assigned based on advanced cognitive
8 ability or advanced academic achievement compared to local age
9 peers and in which the curriculum is substantially
10 differentiated from the general curriculum to provide
11 appropriate challenge and pace.

12 "Computer science" means the study of computers and
13 algorithms, including their principles, their hardware and
14 software designs, their implementation, and their impact on
15 society. "Computer science" does not include the study of
16 everyday uses of computers and computer applications, such as
17 keyboarding or accessing the Internet.

18 "Gifted education" means educational services, including
19 differentiated curricula and instructional methods, designed
20 to meet the needs of gifted children as defined in Article 14A
21 of this Code.

22 For the purposes of paragraph (A) of this subsection (2),
23 "average daily attendance" means the average of the actual
24 number of attendance days during the previous school year for
25 any enrolled student who is subject to compulsory attendance
26 by Section 26-1 of this Code at each school and charter school.

1 (3) At the discretion of the State Superintendent, the
2 school district report card shall include a subset of the
3 information identified in paragraphs (A) through (E) of
4 subsection (2) of this Section, as well as information
5 relating to the operating expense per pupil and other finances
6 of the school district, and the State report card shall
7 include a subset of the information identified in paragraphs
8 (A) through (E) and paragraph (N) of subsection (2) of this
9 Section. The school district report card shall include the
10 average daily attendance, as that term is defined in
11 subsection (2) of this Section, of students who have
12 individualized education programs and students who have 504
13 plans that provide for special education services within the
14 school district.

15 (4) Notwithstanding anything to the contrary in this
16 Section, in consultation with key education stakeholders, the
17 State Superintendent shall at any time have the discretion to
18 amend or update any and all metrics on the school, district, or
19 State report card.

20 (5) Annually, no more than 30 calendar days after receipt
21 of the school district and school report cards from the State
22 Superintendent of Education, each school district, including
23 special charter districts and districts subject to the
24 provisions of Article 34, shall present such report cards at a
25 regular school board meeting subject to applicable notice
26 requirements, post the report cards on the school district's

1 Internet web site, if the district maintains an Internet web
2 site, make the report cards available to a newspaper of
3 general circulation serving the district, and, upon request,
4 send the report cards home to a parent (unless the district
5 does not maintain an Internet web site, in which case the
6 report card shall be sent home to parents without request). If
7 the district posts the report card on its Internet web site,
8 the district shall send a written notice home to parents
9 stating (i) that the report card is available on the web site,
10 (ii) the address of the web site, (iii) that a printed copy of
11 the report card will be sent to parents upon request, and (iv)
12 the telephone number that parents may call to request a
13 printed copy of the report card.

14 (6) Nothing contained in Public Act 98-648 repeals,
15 supersedes, invalidates, or nullifies final decisions in
16 lawsuits pending on July 1, 2014 (the effective date of Public
17 Act 98-648) in Illinois courts involving the interpretation of
18 Public Act 97-8.

19 (Source: P.A. 101-68, eff. 1-1-20; 101-81, eff. 7-12-19;
20 101-654, eff. 3-8-21; 102-16, eff. 6-17-21; 102-294, eff.
21 1-1-22; 102-539, eff. 8-20-21; 102-558, eff. 8-20-21; revised
22 10-18-21.)

23 (Text of Section after amendment by P.A. 102-594)

24 Sec. 10-17a. State, school district, and school report
25 cards.

1 (1) By October 31, 2013 and October 31 of each subsequent
2 school year, the State Board of Education, through the State
3 Superintendent of Education, shall prepare a State report
4 card, school district report cards, and school report cards,
5 and shall by the most economical ~~economic~~ means provide to
6 each school district in this State, including special charter
7 districts and districts subject to the provisions of Article
8 34, the report cards for the school district and each of its
9 schools. Because of the impacts of the COVID-19 public health
10 emergency during school year 2020-2021, the State Board of
11 Education shall have until December 31, 2021 to prepare and
12 provide the report cards that would otherwise be due by
13 October 31, 2021. During a school year in which the Governor
14 has declared a disaster due to a public health emergency
15 pursuant to Section 7 of the Illinois Emergency Management
16 Agency Act, the report cards for the school districts and each
17 of its schools shall be prepared by December 31.

18 (2) In addition to any information required by federal
19 law, the State Superintendent shall determine the indicators
20 and presentation of the school report card, which must
21 include, at a minimum, the most current data collected and
22 maintained by the State Board of Education related to the
23 following:

24 (A) school characteristics and student demographics,
25 including average class size, average teaching experience,
26 student racial/ethnic breakdown, and the percentage of

1 students classified as low-income; the percentage of
2 students classified as English learners, the number of
3 students who graduate from a bilingual or English learner
4 program, and the number of students who graduate from,
5 transfer from, or otherwise leave bilingual programs; the
6 percentage of students who have individualized education
7 plans or 504 plans that provide for special education
8 services; the number and percentage of all students who
9 have been assessed for placement in a gifted education or
10 advanced academic program and, of those students: (i) the
11 racial and ethnic breakdown, (ii) the percentage who are
12 classified as low-income, and (iii) the number and
13 percentage of students who received direct instruction
14 from a teacher who holds a gifted education endorsement
15 and, of those students, the percentage who are classified
16 as low-income; the percentage of students scoring at the
17 "exceeds expectations" level on the assessments required
18 under Section 2-3.64a-5 of this Code; the percentage of
19 students who annually transferred in or out of the school
20 district; average daily attendance; the per-pupil
21 operating expenditure of the school district; and the
22 per-pupil State average operating expenditure for the
23 district type (elementary, high school, or unit);

24 (B) curriculum information, including, where
25 applicable, Advanced Placement, International
26 Baccalaureate or equivalent courses, dual enrollment

1 courses, foreign language classes, computer science
2 courses, school personnel resources (including Career
3 Technical Education teachers), before and after school
4 programs, extracurricular activities, subjects in which
5 elective classes are offered, health and wellness
6 initiatives (including the average number of days of
7 Physical Education per week per student), approved
8 programs of study, awards received, community
9 partnerships, and special programs such as programming for
10 the gifted and talented, students with disabilities, and
11 work-study students;

12 (C) student outcomes, including, where applicable, the
13 percentage of students deemed proficient on assessments of
14 State standards, the percentage of students in the eighth
15 grade who pass Algebra, the percentage of students who
16 participated in workplace learning experiences, the
17 percentage of students enrolled in post-secondary
18 institutions (including colleges, universities, community
19 colleges, trade/vocational schools, and training programs
20 leading to career certification within 2 semesters of high
21 school graduation), the percentage of students graduating
22 from high school who are college and career ready, and the
23 percentage of graduates enrolled in community colleges,
24 colleges, and universities who are in one or more courses
25 that the community college, college, or university
26 identifies as a developmental course;

1 (D) student progress, including, where applicable, the
2 percentage of students in the ninth grade who have earned
3 5 credits or more without failing more than one core
4 class, a measure of students entering kindergarten ready
5 to learn, a measure of growth, and the percentage of
6 students who enter high school on track for college and
7 career readiness;

8 (E) the school environment, including, where
9 applicable, high school dropout rate by grade level, the
10 percentage of students with less than 10 absences in a
11 school year, the percentage of teachers with less than 10
12 absences in a school year for reasons other than
13 professional development, leaves taken pursuant to the
14 federal Family Medical Leave Act of 1993, long-term
15 disability, or parental leaves, the 3-year average of the
16 percentage of teachers returning to the school from the
17 previous year, the number of different principals at the
18 school in the last 6 years, the number of teachers who hold
19 a gifted education endorsement, the process and criteria
20 used by the district to determine whether a student is
21 eligible for participation in a gifted education program
22 or advanced academic program and the manner in which
23 parents and guardians are made aware of the process and
24 criteria, the number of teachers who are National Board
25 Certified Teachers, disaggregated by race and ethnicity, 2
26 or more indicators from any school climate survey selected

1 or approved by the State and administered pursuant to
2 Section 2-3.153 of this Code, with the same or similar
3 indicators included on school report cards for all surveys
4 selected or approved by the State pursuant to Section
5 2-3.153 of this Code, the combined percentage of teachers
6 rated as proficient or excellent in their most recent
7 evaluation, and, beginning with the 2022-2023 school year,
8 data on the number of incidents of violence that occurred
9 on school grounds or during school-related activities and
10 that resulted in an out-of-school suspension, expulsion,
11 or removal to an alternative setting, as reported pursuant
12 to Section 2-3.162;

13 (F) a school district's and its individual schools'
14 balanced accountability measure, in accordance with
15 Section 2-3.25a of this Code;

16 (G) the total and per pupil normal cost amount the
17 State contributed to the Teachers' Retirement System of
18 the State of Illinois in the prior fiscal year for the
19 school's employees, which shall be reported to the State
20 Board of Education by the Teachers' Retirement System of
21 the State of Illinois;

22 (H) for a school district organized under Article 34
23 of this Code only, State contributions to the Public
24 School Teachers' Pension and Retirement Fund of Chicago
25 and State contributions for health care for employees of
26 that school district;

1 (I) a school district's Final Percent of Adequacy, as
2 defined in paragraph (4) of subsection (f) of Section
3 18-8.15 of this Code;

4 (J) a school district's Local Capacity Target, as
5 defined in paragraph (2) of subsection (c) of Section
6 18-8.15 of this Code, displayed as a percentage amount;

7 (K) a school district's Real Receipts, as defined in
8 paragraph (1) of subsection (d) of Section 18-8.15 of this
9 Code, divided by a school district's Adequacy Target, as
10 defined in paragraph (1) of subsection (b) of Section
11 18-8.15 of this Code, displayed as a percentage amount;

12 (L) a school district's administrative costs;

13 (M) whether or not the school has participated in the
14 Illinois Youth Survey. In this paragraph (M), "Illinois
15 Youth Survey" means a self-report survey, administered in
16 school settings every 2 years, designed to gather
17 information about health and social indicators, including
18 substance abuse patterns and the attitudes of students in
19 grades 8, 10, and 12; ~~and~~

20 (N) whether the school offered its students career and
21 technical education opportunities; and -

22 (O) The number of complaints filed with a school board
23 under Section 10-20.83 of this Code, including complaints
24 that were dismissed or investigated, the number of
25 complaints that were filed in which no violation was found
26 to have occurred, and the number of complaints that were

1 investigated and a violation was found to have occurred;
2 the number of disciplinary actions, other than
3 termination, that resulted from the findings of a
4 violation, the number of disciplinary actions that
5 resulted in termination resulting from a finding of a
6 violation, and the number of school employees that
7 resigned as a result of a finding that a violation
8 occurred.

9 The school report card shall also provide information that
10 allows for comparing the current outcome, progress, and
11 environment data to the State average, to the school data from
12 the past 5 years, and to the outcomes, progress, and
13 environment of similar schools based on the type of school and
14 enrollment of low-income students, special education students,
15 and English learners.

16 As used in this subsection (2):

17 "Administrative costs" means costs associated with
18 executive, administrative, or managerial functions within the
19 school district that involve planning, organizing, managing,
20 or directing the school district.

21 "Advanced academic program" means a course of study to
22 which students are assigned based on advanced cognitive
23 ability or advanced academic achievement compared to local age
24 peers and in which the curriculum is substantially
25 differentiated from the general curriculum to provide
26 appropriate challenge and pace.

1 "Computer science" means the study of computers and
2 algorithms, including their principles, their hardware and
3 software designs, their implementation, and their impact on
4 society. "Computer science" does not include the study of
5 everyday uses of computers and computer applications, such as
6 keyboarding or accessing the Internet.

7 "Gifted education" means educational services, including
8 differentiated curricula and instructional methods, designed
9 to meet the needs of gifted children as defined in Article 14A
10 of this Code.

11 For the purposes of paragraph (A) of this subsection (2),
12 "average daily attendance" means the average of the actual
13 number of attendance days during the previous school year for
14 any enrolled student who is subject to compulsory attendance
15 by Section 26-1 of this Code at each school and charter school.

16 (3) At the discretion of the State Superintendent, the
17 school district report card shall include a subset of the
18 information identified in paragraphs (A) through (E) of
19 subsection (2) of this Section, as well as information
20 relating to the operating expense per pupil and other finances
21 of the school district, and the State report card shall
22 include a subset of the information identified in paragraphs
23 (A) through (E) and paragraph (N) of subsection (2) of this
24 Section. The school district report card shall include the
25 average daily attendance, as that term is defined in
26 subsection (2) of this Section, of students who have

1 individualized education programs and students who have 504
2 plans that provide for special education services within the
3 school district.

4 (4) Notwithstanding anything to the contrary in this
5 Section, in consultation with key education stakeholders, the
6 State Superintendent shall at any time have the discretion to
7 amend or update any and all metrics on the school, district, or
8 State report card.

9 (5) Annually, no more than 30 calendar days after receipt
10 of the school district and school report cards from the State
11 Superintendent of Education, each school district, including
12 special charter districts and districts subject to the
13 provisions of Article 34, shall present such report cards at a
14 regular school board meeting subject to applicable notice
15 requirements, post the report cards on the school district's
16 Internet web site, if the district maintains an Internet web
17 site, make the report cards available to a newspaper of
18 general circulation serving the district, and, upon request,
19 send the report cards home to a parent (unless the district
20 does not maintain an Internet web site, in which case the
21 report card shall be sent home to parents without request). If
22 the district posts the report card on its Internet web site,
23 the district shall send a written notice home to parents
24 stating (i) that the report card is available on the web site,
25 (ii) the address of the web site, (iii) that a printed copy of
26 the report card will be sent to parents upon request, and (iv)

1 the telephone number that parents may call to request a
2 printed copy of the report card.

3 (6) Nothing contained in Public Act 98-648 repeals,
4 supersedes, invalidates, or nullifies final decisions in
5 lawsuits pending on July 1, 2014 (the effective date of Public
6 Act 98-648) in Illinois courts involving the interpretation of
7 Public Act 97-8.

8 (Source: P.A. 101-68, eff. 1-1-20; 101-81, eff. 7-12-19;
9 101-654, eff. 3-8-21; 102-16, eff. 6-17-21; 102-294, eff.
10 1-1-22; 102-539, eff. 8-20-21; 102-558, eff. 8-20-21; 102-594,
11 eff. 7-1-22; revised 10-18-21.)

12 (105 ILCS 5/10-20.83 new)

13 Sec. 10-20.83. Discrimination on the basis of race or sex
14 in the form of bias, stereotyping, scapegoating,
15 classification, or categorical assignment.

16 (a) Definitions. In this Section, "protected right
17 petitioner" means: (i) a parent or guardian, or emancipated
18 student; (ii) a school employee; (iii) a school board member;
19 (iv) a member or employee of the State Board; (v) the State
20 Superintendent of Education; or (vi) an individual who resides
21 within the attendance area of a school where the individual
22 intends to submit a complaint under subsection (h).

23 (b) It is the policy of the State to prohibit
24 discrimination on the basis of race or sex in the form of bias,
25 stereotyping, scapegoating, classification, or categorical

1 assignment of traits, morals, values, or characteristics based
2 solely on race or sex. School districts are prohibited from
3 engaging in race-based or sex-based discriminatory acts by
4 using methods described in subsection (c) that results in
5 treating individuals differently on the basis of race or sex
6 or in the creation of a hostile environment.

7 (c) A school district may not include or promote the
8 following concepts as part of a course or allow teachers or
9 other employees of the school district to use supplemental
10 instructional materials that include or promote the following
11 concepts:

12 (1) One race or sex is inherently superior to another
13 race or sex.

14 (2) An individual, by virtue of the individual's race
15 or sex, is inherently privileged, racist, sexist, or
16 oppressive, whether consciously or subconsciously.

17 (3) An individual should be discriminated against or
18 receive adverse treatment because of the individual's race
19 or sex.

20 (4) Members of one race or sex cannot and should not
21 attempt to treat others without respect to race or sex.

22 (5) An individual's moral character is determined by
23 the individual's race or sex.

24 (6) An individual, by virtue of the individual's race
25 or sex, bears responsibility for actions committed in the
26 past by other members of the same race or sex.

1 (7) An individual should feel discomfort, guilt, or
2 anguish or another form of psychological distress solely
3 because of the individual's race or sex.

4 (8) Meritocracy or traits such as hard work ethic are
5 racist or sexist, or designed by a particular race or sex
6 to oppress members of another race or sex.

7 (9) Illinois or the United States was founded as a
8 racist or sexist State or nation and is fundamentally or
9 irredeemably racist or sexist.

10 (d) Notwithstanding subsection (c), this Section does not
11 prohibit a school district from including, as part of a
12 course, or from allowing teachers or other employees of the
13 school district to use supplemental instructional materials
14 that provide the following:

15 (1) The history of an ethnic group.

16 (2) The impartial discussion of controversial aspects
17 of history.

18 (3) The impartial instruction on the historic
19 oppression of a particular group of people based on race,
20 ethnicity, class, nationality, religion, or geographic
21 region.

22 (4) Historical documents relevant to topics described
23 in paragraphs (1) through (3) in this subsection.

24 (e) Nothing in this Section shall be construed as to
25 prohibit the required collection or reporting of demographic
26 data by the school district.

1 (f) A school district may not do the following:

2 (1) Provide, contract to provide, offer, or sponsor
3 any course that includes, incorporates, or is based on
4 concepts prohibited under this Section.

5 (2) Use money, property, assets, or resources for a
6 purpose that includes, incorporates, or is based on
7 concepts prohibited under this Section.

8 (3) Adopt programs or use curricular material,
9 instructional material, curriculum, classroom
10 assignments, orientation, interventions, or counseling
11 that include, incorporate, or are based on concepts under
12 this Section.

13 (4) Execute a contract or agreement with an internal
14 or external entity or person to provide services,
15 training, professional development, or any other
16 assistance that includes or incorporates concepts
17 prohibited under this Section.

18 (5) Receive or apply to receive money that requires,
19 as a condition of receipt of the money, the adoption of a
20 course, policy, curriculum, or any other instructional
21 material that includes, incorporates, or is based on
22 concepts prohibited under this Section.

23 (6) Adopting diversity, equity, or inclusion plans or
24 training for students or school employees that includes,
25 incorporates, or is based on concepts prohibited under
26 this Section.

1 (7) Adopting policies, including grading or admissions
2 policies, or providing any other benefit or services that
3 applies to students or school employees differently on the
4 basis of race or sex. This includes segregated classes,
5 programs, training sessions, extracurricular activities,
6 or affinity groups.

7 (8) Allow any school employee to disseminate to any
8 minor any harmful material, as defined by Section 11-21 of
9 the Criminal Code of 2012, that would be deemed as harmful
10 to minors or knowingly and willfully violate any
11 provisions included in Section 11-21 of the Criminal Code
12 of 2012.

13 (g) The State Board may not do the following:

14 (1) Establish or mandate any State standard or adopt
15 any rule that includes, incorporates, or is based on
16 concepts prohibited under this Section.

17 (2) Provide resources that include, incorporate, or
18 are based on concepts prohibited under this Section. This
19 prohibition includes executing contracts or agreements
20 with an external entity or individual to provide services,
21 courses, or any other assistance that includes,
22 incorporates, or is based on concepts prohibited under
23 this Section.

24 (3) Receive or apply to receive money that requires,
25 as a condition of receipt of the money, the adoption of
26 programs, policies, curriculum, or any other learning

1 material that includes, incorporates, or is based on
2 concepts prohibited under this Section.

3 (h) The State Board shall develop a complaint form to be
4 used by a protected right petitioner to file a complaint with a
5 school board for any violation of this Section. The complaint
6 form must contain the following minimum information:

7 (1) The date of the complaint.

8 (2) The date or dates that the alleged violation
9 occurred.

10 (3) A detailed description of the alleged violation.

11 (4) Information necessary to enable the school to
12 investigate the alleged violation.

13 (5) The option for the protected right petitioner to
14 provide the identification of witnesses the school board
15 may interview, if applicable.

16 The State Board shall maintain a copy of the complaint
17 form on the State Board's website. In addition, each school
18 district must maintain a link to the complaint form on the
19 school district's website, if the school district maintains
20 one.

21 (i) A protected right petitioner may file a complaint form
22 developed by the State Board with a school board alleging a
23 violation of this Section. The school board shall investigate
24 each complaint form to determine whether a violation occurred.

25 Each school board shall designate at least one employee to
26 respond to complaints under this Section. Each school district

1 shall include contact information for the designated
2 individual on the school district's website, if the school
3 district maintains one, which shall include the following
4 information:

5 (1) name;

6 (2) address;

7 (3) telephone number; and

8 (4) electronic mail address.

9 Upon receipt of a complaint form, the school board shall
10 acknowledge receipt of the complaint form no later than three
11 business days following receipt of the complaint form. The
12 school board shall investigate the complaint within 10
13 business days of receipt of the complaint form and make
14 findings that shall be sent by mail to the protected right
15 petitioner. If the school board finds:

16 (1) that a violation occurred, then the findings must
17 include a description of how the school board will remedy
18 the violation; or

19 (2) that a violation did not occur, then the findings
20 must include an explanation of the school board's
21 findings.

22 The school board shall provide the protected right
23 petitioner notice of the protected right petitioner's right to
24 appeal and the deadline to appeal the findings with a copy of
25 the findings mailed to the protected right petitioner.

26 (j) A protected right petitioner may appeal a school

1 board's findings if the protected right petitioner believes
2 that the school board has incorrectly refused to investigate a
3 complaint form or the protected right petitioner has evidence
4 that a school board has reached an incorrect determination.
5 The appeal must be submitted to the State Board by the
6 protected right petitioner no later than 30 days after the
7 date of the school board's findings and notice of the
8 protected right petitioner's right to appeal were mailed to
9 the protected right petitioner. The appeal must be submitted
10 to the State Board on a form prescribed by the State Board. The
11 form shall be available on the State Board's website and each
12 school district's website if a school district maintains one.

13 The State Board shall send notice to the school board of an
14 appeal submitted no later than 3 business days after receipt
15 of an appeal. The State Board shall then appoint an
16 administrative law judge and conduct adjudicative proceedings.
17 An administrative law judge shall issue a final order.

18 If an administrative law judge determines that the school
19 board committed a violation, the final order may do any of the
20 following:

21 (1) Require the school board to remedy the violation.

22 (2) Withhold evidence-based funding under Section
23 18-8.15 of the School Code from the school district.

24 (3) Recommend that the State Board revoke the school
25 district's recognition status.

26 (4) Suspend or revoke an educator license issued under

1 Article 21B of the School Code.

2 (5) Include a recommendation for the Attorney General
3 to assess a civil penalty on the school board.

4 A school board shall comply with a final order issued by
5 the State Board. The State Board shall submit a copy of the
6 State Board's final order to the Attorney General no later
7 than 5 business days after the date the final order is issued.
8 Upon receipt, the Attorney General or his or her designee
9 shall review the findings of the State Board. The Attorney
10 General may request additional information from the school
11 board or the State Board necessary to review the findings and
12 final order. If, after conducting the review, the Attorney
13 General determines that a violation occurred, the Attorney
14 General may assess a civil penalty against the school board in
15 the following prescribed manner:

16 (1) For a first violation, at least \$1,000 but less
17 than \$5,000 for each student who is the subject of a
18 violation.

19 (2) For a second violation, at least \$5,000 but less
20 than \$10,000 for each student who is the subject of a
21 violation.

22 (3) For any subsequent violation, at least \$10,000 for
23 each student who is the subject of a violation.

24 A civil penalty assessed shall be deposited into the
25 Common School Fund.

26 (k) A protected right petitioner may bring a civil action

1 against a school board if the protected right petitioner is
2 the subject of a violation by the school board. A court may
3 award the following to a protected right petitioner who
4 prevails in a civil action under this subsection:

5 (1) Court costs and reasonable attorney's fees.

6 (2) The greater of:

7 (A) Actual damages resulting from the violation;

8 or

9 (B) Liquidated damages in an amount of \$5,000.

10 (l) A school board may not take any retaliatory action
11 against any protected right petitioner, or any other person
12 related to or associated with the protected right petitioner.

13 (m) Nothing in this Section shall be construed as to
14 require a school board to disclose personal identifiable
15 information of a student.

16 (n) The State Board may adopt any rules necessary to
17 implement this Section.

18 (105 ILCS 5/10-20.84 new)

19 Sec. 10-20.84. Survey identification. If a school district
20 uses a third-party vendor in providing a personal analysis,
21 evaluation, or survey that reveals or attempts to affect a
22 student's attitudes, habits, traits, opinions, beliefs, or
23 feelings, the third-party vendor and the school district may
24 not collect or maintain the responses to or results of the
25 analysis, evaluation, or survey in a manner that would

1 identify the responses or results of an individual student.
2 The school district shall post blank copies of each
3 questionnaire, study, and survey the third-party vendor is
4 using on the school district's website, if one is maintained,
5 at least 30 days before, and for a time period of no less than
6 one year, the questionnaire, study, or survey is distributed
7 to students to take.

8 (105 ILCS 5/21B-75)

9 Sec. 21B-75. Suspension or revocation of license,
10 endorsement, or approval.

11 (a) As used in this Section, "teacher" means any school
12 district employee regularly required to be licensed, as
13 provided in this Article, in order to teach or supervise in the
14 public schools.

15 (b) The State Superintendent of Education has the
16 exclusive authority, in accordance with this Section and any
17 rules adopted by the State Board of Education, in consultation
18 with the State Educator Preparation and Licensure Board, to
19 initiate the suspension of up to 5 calendar years or
20 revocation of any license, endorsement, or approval issued
21 pursuant to this Article for abuse or neglect of a child,
22 immorality, a condition of health detrimental to the welfare
23 of pupils, incompetency, unprofessional conduct (which
24 includes the failure to disclose on an employment application
25 any previous conviction for a sex offense, as defined in

1 Section 21B-80 of this Code, or any other offense committed in
2 any other state or against the laws of the United States that,
3 if committed in this State, would be punishable as a sex
4 offense, as defined in Section 21B-80 of this Code), the
5 neglect of any professional duty, willful or negligent failure
6 to report an instance of suspected child abuse or neglect as
7 required by the Abused and Neglected Child Reporting Act,
8 willfully, knowingly, and without probable cause making a
9 false claim in a complaint filed under Section 10-20.83, or
10 other just cause. Negligent failure to report an instance of
11 suspected child abuse or neglect occurs when a teacher
12 personally observes an instance of suspected child abuse or
13 neglect and reasonably believes, in his or her professional or
14 official capacity, that the instance constitutes an act of
15 child abuse or neglect under the Abused and Neglected Child
16 Reporting Act, and he or she, without willful intent, fails to
17 immediately report or cause a report to be made of the
18 suspected abuse or neglect to the Department of Children and
19 Family Services, as required by the Abused and Neglected Child
20 Reporting Act. Unprofessional conduct shall include the
21 refusal to attend or participate in institutes, teachers'
22 meetings, or professional readings or to meet other reasonable
23 requirements of the regional superintendent of schools or
24 State Superintendent of Education. Unprofessional conduct also
25 includes conduct that violates the standards, ethics, or rules
26 applicable to the security, administration, monitoring, or

1 scoring of or the reporting of scores from any assessment test
2 or examination administered under Section 2-3.64a-5 of this
3 Code or that is known or intended to produce or report
4 manipulated or artificial, rather than actual, assessment or
5 achievement results or gains from the administration of those
6 tests or examinations. Unprofessional conduct shall also
7 include neglect or unnecessary delay in the making of
8 statistical and other reports required by school officers.
9 Incompetency shall include, without limitation, 2 or more
10 school terms of service for which the license holder has
11 received an unsatisfactory rating on a performance evaluation
12 conducted pursuant to Article 24A of this Code within a period
13 of 7 school terms of service. In determining whether to
14 initiate action against one or more licenses based on
15 incompetency and the recommended sanction for such action, the
16 State Superintendent shall consider factors that include
17 without limitation all of the following:

18 (1) Whether the unsatisfactory evaluation ratings
19 occurred prior to June 13, 2011 (the effective date of
20 Public Act 97-8).

21 (2) Whether the unsatisfactory evaluation ratings
22 occurred prior to or after the implementation date, as
23 defined in Section 24A-2.5 of this Code, of an evaluation
24 system for teachers in a school district.

25 (3) Whether the evaluator or evaluators who performed
26 an unsatisfactory evaluation met the pre-licensure and

1 training requirements set forth in Section 24A-3 of this
2 Code.

3 (4) The time between the unsatisfactory evaluation
4 ratings.

5 (5) The quality of the remediation plans associated
6 with the unsatisfactory evaluation ratings and whether the
7 license holder successfully completed the remediation
8 plans.

9 (6) Whether the unsatisfactory evaluation ratings were
10 related to the same or different assignments performed by
11 the license holder.

12 (7) Whether one or more of the unsatisfactory
13 evaluation ratings occurred in the first year of a
14 teaching or administrative assignment.

15 When initiating an action against one or more licenses, the
16 State Superintendent may seek required professional
17 development as a sanction in lieu of or in addition to
18 suspension or revocation. Any such required professional
19 development must be at the expense of the license holder, who
20 may use, if available and applicable to the requirements
21 established by administrative or court order, training,
22 coursework, or other professional development funds in
23 accordance with the terms of an applicable collective
24 bargaining agreement entered into after June 13, 2011 (the
25 effective date of Public Act 97-8), unless that agreement
26 specifically precludes use of funds for such purpose.

1 (c) The State Superintendent of Education shall, upon
2 receipt of evidence of abuse or neglect of a child,
3 immorality, a condition of health detrimental to the welfare
4 of pupils, incompetency (subject to subsection (b) of this
5 Section), unprofessional conduct, the neglect of any
6 professional duty, or other just cause, further investigate
7 and, if and as appropriate, serve written notice to the
8 individual and afford the individual opportunity for a hearing
9 prior to suspension, revocation, or other sanction; provided
10 that the State Superintendent is under no obligation to
11 initiate such an investigation if the Department of Children
12 and Family Services is investigating the same or substantially
13 similar allegations and its child protective service unit has
14 not made its determination, as required under Section 7.12 of
15 the Abused and Neglected Child Reporting Act. If the State
16 Superintendent of Education does not receive from an
17 individual a request for a hearing within 10 days after the
18 individual receives notice, the suspension, revocation, or
19 other sanction shall immediately take effect in accordance
20 with the notice. If a hearing is requested within 10 days after
21 notice of an opportunity for hearing, it shall act as a stay of
22 proceedings until the State Educator Preparation and Licensure
23 Board issues a decision. Any hearing shall take place in the
24 educational service region where the educator is or was last
25 employed and in accordance with rules adopted by the State
26 Board of Education, in consultation with the State Educator

1 Preparation and Licensure Board, and such rules shall include
2 without limitation provisions for discovery and the sharing of
3 information between parties prior to the hearing. The standard
4 of proof for any administrative hearing held pursuant to this
5 Section shall be by the preponderance of the evidence. The
6 decision of the State Educator Preparation and Licensure Board
7 is a final administrative decision and is subject to judicial
8 review by appeal of either party.

9 The State Board of Education may refuse to issue or may
10 suspend the license of any person who fails to file a return or
11 to pay the tax, penalty, or interest shown in a filed return or
12 to pay any final assessment of tax, penalty, or interest, as
13 required by any tax Act administered by the Department of
14 Revenue, until such time as the requirements of any such tax
15 Act are satisfied.

16 The exclusive authority of the State Superintendent of
17 Education to initiate suspension or revocation of a license
18 pursuant to this Section does not preclude a regional
19 superintendent of schools from cooperating with the State
20 Superintendent or a State's Attorney with respect to an
21 investigation of alleged misconduct.

22 (d) The State Superintendent of Education or his or her
23 designee may initiate and conduct such investigations as may
24 be reasonably necessary to establish the existence of any
25 alleged misconduct. At any stage of the investigation, the
26 State Superintendent may issue a subpoena requiring the

1 attendance and testimony of a witness, including the license
2 holder, and the production of any evidence, including files,
3 records, correspondence, or documents, relating to any matter
4 in question in the investigation. The subpoena shall require a
5 witness to appear at the State Board of Education at a
6 specified date and time and shall specify any evidence to be
7 produced. The license holder is not entitled to be present,
8 but the State Superintendent shall provide the license holder
9 with a copy of any recorded testimony prior to a hearing under
10 this Section. Such recorded testimony must not be used as
11 evidence at a hearing, unless the license holder has adequate
12 notice of the testimony and the opportunity to cross-examine
13 the witness. Failure of a license holder to comply with a duly
14 issued, investigatory subpoena may be grounds for revocation,
15 suspension, or denial of a license.

16 (e) All correspondence, documentation, and other
17 information so received by the regional superintendent of
18 schools, the State Superintendent of Education, the State
19 Board of Education, or the State Educator Preparation and
20 Licensure Board under this Section is confidential and must
21 not be disclosed to third parties, except (i) as necessary for
22 the State Superintendent of Education or his or her designee
23 to investigate and prosecute pursuant to this Article, (ii)
24 pursuant to a court order, (iii) for disclosure to the license
25 holder or his or her representative, or (iv) as otherwise
26 required in this Article and provided that any such

1 information admitted into evidence in a hearing is exempt from
2 this confidentiality and non-disclosure requirement.

3 (f) The State Superintendent of Education or a person
4 designated by him or her shall have the power to administer
5 oaths to witnesses at any hearing conducted before the State
6 Educator Preparation and Licensure Board pursuant to this
7 Section. The State Superintendent of Education or a person
8 designated by him or her is authorized to subpoena and bring
9 before the State Educator Preparation and Licensure Board any
10 person in this State and to take testimony either orally or by
11 deposition or by exhibit, with the same fees and mileage and in
12 the same manner as prescribed by law in judicial proceedings
13 in civil cases in circuit courts of this State.

14 (g) Any circuit court, upon the application of the State
15 Superintendent of Education or the license holder, may, by
16 order duly entered, require the attendance of witnesses and
17 the production of relevant books and papers as part of any
18 investigation or at any hearing the State Educator Preparation
19 and Licensure Board is authorized to conduct pursuant to this
20 Section, and the court may compel obedience to its orders by
21 proceedings for contempt.

22 (h) The State Board of Education shall receive an annual
23 line item appropriation to cover fees associated with the
24 investigation and prosecution of alleged educator misconduct
25 and hearings related thereto.

26 (Source: P.A. 101-531, eff. 8-23-19; 102-552, eff. 1-1-22.)

1 (105 ILCS 5/27-3) (from Ch. 122, par. 27-3)

2 Sec. 27-3. Patriotism and principles of representative
3 government - Proper use of flag - Method of voting - Pledge of
4 Allegiance. American patriotism and the principles of
5 representative government, as enunciated in the American
6 Declaration of Independence, the Constitution of the United
7 States of America and the Constitution of the State of
8 Illinois, and the proper use and display of the American flag,
9 shall be taught in all public schools and other educational
10 institutions supported or maintained in whole or in part by
11 public funds. Students shall receive instruction that
12 socialism, Marxism, communism, totalitarianism, or similar
13 political systems are incompatible with and in conflict with
14 the principles of freedom upon which the United States was
15 founded. In addition, students must be instructed that if any
16 of these political systems were to replace the current form of
17 government, the government of the United States would be
18 overthrown and existing freedoms under the Constitution would
19 no longer exist. As such, socialism, Marxism, communism,
20 totalitarianism, or similar political systems are detrimental
21 to the people of the United States. No student shall receive a
22 certificate of graduation without passing a satisfactory
23 examination upon such subjects, which may be administered
24 remotely.

25 Instruction shall be given in all such schools and

1 institutions in the method of voting at elections by means of
2 the Australian Ballot system and the method of the counting of
3 votes for candidates.

4 The Pledge of Allegiance shall be recited each school day
5 by pupils in elementary and secondary educational institutions
6 supported or maintained in whole or in part by public funds.

7 (Source: P.A. 101-643, eff. 6-18-20.)

8 (105 ILCS 5/27-9.1a)

9 Sec. 27-9.1a. Comprehensive personal health and safety and
10 comprehensive sexual health education.

11 (a) In this Section:

12 "Adapt" means to modify an evidence-based or
13 evidence-informed program model for use with a particular
14 demographic, ethnic, linguistic, or cultural group.

15 "Age and developmentally appropriate" means suitable to
16 particular ages or age groups of children and adolescents,
17 based on the developing cognitive, emotional, and behavioral
18 capacity typical for the age or age group.

19 "Characteristics of effective programs" includes
20 development, content, and implementation of such programs that
21 (i) have been shown to be effective in terms of increasing
22 knowledge, clarifying values and attitudes, increasing skills,
23 and impacting behavior, (ii) are widely recognized by leading
24 medical and public health agencies to be effective in changing
25 sexual behaviors that lead to sexually transmitted infections,

1 including HIV, unintended pregnancy, interpersonal violence,
2 and sexual violence among young people, and (iii) are taught
3 by professionals who provide a safe learning space, free from
4 shame, stigma, and ideology and are trained in trauma-informed
5 teaching methodologies.

6 "Complete" means information that aligns with the National
7 Sex Education Standards, including information on consent and
8 healthy relationships, anatomy and physiology, puberty and
9 adolescent sexual development, gender identity and expression,
10 sexual orientation and identity, sexual health, and
11 interpersonal violence.

12 "Comprehensive personal health and safety education" means
13 age and developmentally appropriate education that aligns with
14 the National Sex Education Standards, including information on
15 consent and healthy relationships, anatomy and physiology,
16 puberty and adolescent sexual development, gender identity and
17 expression, sexual orientation and identity, sexual health,
18 and interpersonal violence.

19 "Comprehensive sexual health education" means age and
20 developmentally appropriate education that aligns with the
21 National Sex Education Standards, including information on
22 consent and healthy relationships, anatomy and physiology,
23 puberty and adolescent sexual development, gender identity and
24 expression, sexual orientation and identity, sexual health,
25 and interpersonal violence.

26 "Consent" means an affirmative, knowing, conscious,

1 ongoing, and voluntary agreement to engage in interpersonal,
2 physical, or sexual activity, which can be revoked at any
3 point, including during the course of interpersonal, physical,
4 or sexual activity.

5 "Culturally appropriate" means affirming culturally
6 diverse individuals, families, and communities in an
7 inclusive, respectful, and effective manner, including
8 materials and instruction that are inclusive of race,
9 ethnicity, language, cultural background, immigration status,
10 religion, disability, gender, gender identity, gender
11 expression, sexual orientation, and sexual behavior.

12 "Evidence-based program" means a program for which
13 systematic, empirical research or evaluation has provided
14 evidence of effectiveness.

15 "Evidence-informed program" means a program that uses the
16 best available research and practice knowledge to guide
17 program design and implementation.

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

22 "Healthy relationships" means relationships between
23 individuals that consist of mutual respect, trust, honesty,
24 support, fairness, equity, separate identities, physical and
25 emotional safety, and good communication.

26 "Identity" means people's understanding of how they

1 identify their sexual orientation, gender, gender identity, or
2 gender expression without stereotypes, shame, or stigma.

3 "Inclusive" means inclusion of marginalized communities
4 that include, but are not limited to, people of color,
5 immigrants, people of diverse sexual orientations, gender
6 identities, and gender expressions, people who are intersex,
7 people with disabilities, people who have experienced
8 interpersonal or sexual violence, and others.

9 "Interpersonal violence" means violent behavior used to
10 establish power and control over another person.

11 "Medically accurate" means verified or supported by the
12 weight of research conducted in compliance with accepted
13 scientific methods and published in peer-reviewed journals, if
14 applicable, or comprising information recognized as accurate
15 and objective.

16 "Pre-exposure Prophylaxis (PrEP)" means medications
17 approved by the federal Food and Drug Administration (FDA) and
18 recommended by the United States Public Health Service or the
19 federal Centers for Disease Control and Prevention for HIV
20 pre-exposure prophylaxis and related pre-exposure prophylaxis
21 services, including, but not limited to, HIV and sexually
22 transmitted infection screening, treatment for sexually
23 transmitted infections, medical monitoring, laboratory
24 services, and sexual health counseling, to reduce the
25 likelihood of HIV infection for individuals who are not living
26 with HIV but are vulnerable to HIV exposure.

1 "Post-exposure Prophylaxis (PeP)" means the medications
2 that are recommended by the federal Centers for Disease
3 Control and Prevention and other public health authorities to
4 help prevent HIV infection after potential occupational or
5 non-occupational HIV exposure.

6 "Sexual violence" means discrimination, bullying,
7 harassment, including sexual harassment, sexual abuse, sexual
8 assault, intimate partner violence, incest, rape, and human
9 trafficking.

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

14 (b) All classes that teach comprehensive personal health
15 and safety and comprehensive sexual health education shall
16 satisfy the following criteria:

17 (1) Course material and instruction shall be age and
18 developmentally appropriate, medically accurate,
19 complete, culturally appropriate, inclusive, and trauma
20 informed.

21 (2) Course material and instruction shall replicate
22 evidence-based or evidence-informed programs or
23 substantially incorporate elements of evidence-based
24 programs or evidence-informed programs or characteristics
25 of effective programs.

26 (3) Course material and instruction shall be inclusive

1 and sensitive to the needs of students based on their
2 status as pregnant or parenting, living with STIs,
3 including HIV, sexually active, asexual, or intersex or
4 based on their gender, gender identity, gender expression,
5 sexual orientation, sexual behavior, or disability.

6 (4) Course material and instruction shall be
7 accessible to students with disabilities, which may
8 include the use of a modified curriculum, materials,
9 instruction in alternative formats, assistive technology,
10 and auxiliary aids.

11 (5) Course material and instruction shall help
12 students develop self-advocacy skills for effective
13 communication with parents or guardians, health and social
14 service professionals, other trusted adults, and peers
15 about sexual health and relationships.

16 (6) Course material and instruction shall provide
17 information to help students develop skills for developing
18 healthy relationships and preventing and dealing with
19 interpersonal violence and sexual violence.

20 (7) Course material and instruction shall provide
21 information to help students safely use the Internet,
22 including social media, dating or relationship websites or
23 applications, and texting.

24 (8) Course material and instruction shall provide
25 information about local resources where students can
26 obtain additional information and confidential services

1 related to parenting, bullying, interpersonal violence,
2 sexual violence, suicide prevention, sexual and
3 reproductive health, mental health, substance abuse,
4 sexual orientation, gender identity, gender expression,
5 and other related issues.

6 (9) Course material and instruction shall include
7 information about State laws related to minor
8 confidentiality and minor consent, including exceptions,
9 consent education, mandated reporting of child abuse and
10 neglect, the safe relinquishment of a newborn child,
11 minors' access to confidential health care and related
12 services, school policies addressing the prevention of and
13 response to interpersonal and sexual violence, school
14 breastfeeding accommodations, and school policies
15 addressing the prevention of and response to sexual
16 harassment.

17 (10) Course material and instruction may not reflect
18 or promote bias against any person on the basis of the
19 person's race, ethnicity, language, cultural background,
20 citizenship, religion, HIV status, family structure,
21 disability, gender, gender identity, gender expression,
22 sexual orientation, or sexual behavior.

23 (11) Course material and instruction may not employ
24 gender stereotypes.

25 (12) Course material and instruction shall be
26 inclusive of and may not be insensitive or unresponsive to

1 the needs of survivors of interpersonal violence and
2 sexual violence.

3 (13) Course material and instruction may not
4 proselytize any religious doctrine.

5 (14) Course material and instruction may not
6 deliberately withhold health-promoting or life-saving
7 information about culturally appropriate health care and
8 services, including reproductive health services, hormone
9 therapy, and FDA-approved treatments and options,
10 including, but not limited to, Pre-exposure Prophylaxis
11 (PrEP) and Post-exposure Prophylaxis (PeP).

12 (15) Course material and instruction may not be
13 inconsistent with the ethical imperatives of medicine and
14 public health.

15 (c) A school may utilize guest lecturers or resource
16 persons to provide instruction or presentations in accordance
17 with Section 10-22.34b. Comprehensive personal health and
18 safety and comprehensive sexual health education instruction
19 and materials provided by guest lecturers or resource persons
20 may not conflict with the provisions of this Section.

21 (d) No student shall be required to take or participate in
22 any class or course in comprehensive personal health and
23 safety and comprehensive sexual health education. If the
24 parent or guardian of a student wants the student to receive
25 comprehensive personal health and safety and comprehensive
26 sexual health education, the A student's parent or guardian

1 ~~must~~ ~~may~~ opt in the student ~~out of comprehensive personal~~
2 ~~health and safety and comprehensive sexual health education~~ by
3 submitting the request in writing. Prior to obtaining prior
4 written consent, the school board shall provide the parent or
5 guardian with informed written notice which shall accurately
6 describe and detail the contents and nature of the instruction
7 on comprehensive personal health and safety and comprehensive
8 sexual health education, including all written materials the
9 student will be provided. Refusal to take or participate in
10 such a course or program may not be a reason for disciplinary
11 action, academic penalty, suspension, or expulsion or any
12 other sanction of a student. ~~A school district may not require~~
13 ~~active parental consent for comprehensive personal health and~~
14 ~~safety and comprehensive sexual health education.~~

15 (e) An opportunity shall be afforded to individuals,
16 including parents or guardians, to review the scope and
17 sequence of instructional materials to be used in a class or
18 course under this Section, either electronically or in person.
19 A school district shall annually post, on its Internet website
20 if one exists, which curriculum is used to provide
21 comprehensive personal health and safety and comprehensive
22 sexual health education and the name and contact information,
23 including an email address, of school personnel who can
24 respond to inquiries about instruction and materials.

25 (f) On or before August 1, 2022, the State Board of
26 Education, in consultation with youth, parents, sexual health

1 and violence prevention experts, health care providers,
2 advocates, and education practitioners, including, but not
3 limited to, administrators, regional superintendents of
4 schools, teachers, and school support personnel, shall develop
5 and adopt rigorous learning standards in the area of
6 comprehensive personal health and safety education for pupils
7 in kindergarten through the 5th grade and comprehensive sexual
8 health education for pupils in the 6th through 12th grades,
9 including, but not limited to, all of the National Sex
10 Education Standards, including information on consent and
11 healthy relationships, anatomy and physiology, puberty and
12 adolescent sexual development, gender identity and expression,
13 sexual orientation and identity, sexual health, and
14 interpersonal violence, as authored by the Future of Sex
15 Education Initiative. As the National Sex Education Standards
16 are updated, the State Board of Education shall update these
17 learning standards.

18 (g) By no later than August 1, 2022, the State Board of
19 Education shall make available resource materials developed in
20 consultation with stakeholders, with the cooperation and input
21 of experts that provide and entities that promote age and
22 developmentally appropriate, medically accurate, complete,
23 culturally appropriate, inclusive, and trauma-informed
24 comprehensive personal health and safety and comprehensive
25 sexual health education policy. Materials may include, without
26 limitation, model comprehensive personal health and safety and

1 comprehensive sexual health education resources and programs.
2 The State Board of Education shall make these resource
3 materials available on its Internet website, in a clearly
4 identified and easily accessible place.

5 (h) Schools may choose and adapt the age and
6 developmentally appropriate, medically accurate, complete,
7 culturally appropriate, inclusive, and trauma-informed
8 comprehensive personal health and safety and comprehensive
9 sexual health education curriculum that meets the specific
10 needs of their community. All instruction and materials,
11 including materials provided or presented by outside
12 consultants, community groups, or organizations, may not
13 conflict with the provisions of this Section.

14 (i) The State Board of Education shall, through existing
15 reporting mechanisms if available, direct each school district
16 to identify the following:

17 (1) if instruction on comprehensive personal health
18 and safety and comprehensive sexual health education is
19 provided;

20 (2) whether the instruction was provided by a teacher
21 in the school, a consultant, or a community group or
22 organization and specify the name of the outside
23 consultant, community group, or organization;

24 (3) the number of students receiving instruction;

25 (4) the number of students excused from instruction;

26 and

1 (5) the duration of instruction.

2 The State Board of Education shall report the results of
3 this inquiry to the General Assembly annually, for a period of
4 5 years beginning one year after the effective date of this
5 amendatory Act of the 102nd General Assembly.

6 (Source: P.A. 102-522, eff. 8-20-21.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.