

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 2-3.62, 27A-5, and 34-18.8 and by adding Sections 27-9.1a and
6 27-9.1b as follows:

7 (105 ILCS 5/2-3.62) (from Ch. 122, par. 2-3.62)

8 Sec. 2-3.62. Educational service centers.

9 (a) A regional network of educational service centers
10 shall be established by the State Board of Education to
11 coordinate and combine existing services in a manner which is
12 practical and efficient and to provide new services to schools
13 as provided in this Section. Services to be made available by
14 such centers shall include the planning, implementation and
15 evaluation of:

16 (1) (blank);

17 (2) computer technology education;

18 (3) mathematics, science and reading resources for
19 teachers including continuing education, inservice
20 training and staff development.

21 The centers may provide training, technical assistance,
22 coordination and planning in other program areas such as
23 school improvement, school accountability, financial planning,

1 consultation, and services, career guidance, early childhood
2 education, alcohol/drug education and prevention,
3 comprehensive personal health and safety education and
4 comprehensive sexual health ~~family life~~ ~~sex~~ education,
5 electronic transmission of data from school districts to the
6 State, alternative education and regional special education,
7 and telecommunications systems that provide distance learning.
8 Such telecommunications systems may be obtained through the
9 Department of Central Management Services pursuant to Section
10 405-270 of the Department of Central Management Services Law
11 (20 ILCS 405/405-270). The programs and services of
12 educational service centers may be offered to private school
13 teachers and private school students within each service
14 center area provided public schools have already been afforded
15 adequate access to such programs and services.

16 Upon the abolition of the office, removal from office,
17 disqualification for office, resignation from office, or
18 expiration of the current term of office of the regional
19 superintendent of schools, whichever is earlier, the chief
20 administrative officer of the centers serving that portion of
21 a Class II county school unit outside of a city of 500,000 or
22 more inhabitants shall have and exercise, in and with respect
23 to each educational service region having a population of
24 2,000,000 or more inhabitants and in and with respect to each
25 school district located in any such educational service
26 region, all of the rights, powers, duties, and

1 responsibilities theretofore vested by law in and exercised
2 and performed by the regional superintendent of schools for
3 that area under the provisions of this Code or any other laws
4 of this State.

5 The State Board of Education shall promulgate rules and
6 regulations necessary to implement this Section. The rules
7 shall include detailed standards which delineate the scope and
8 specific content of programs to be provided by each
9 Educational Service Center, as well as the specific planning,
10 implementation and evaluation services to be provided by each
11 Center relative to its programs. The Board shall also provide
12 the standards by which it will evaluate the programs provided
13 by each Center.

14 (b) Centers serving Class 1 county school units shall be
15 governed by an 11-member board, 3 members of which shall be
16 public school teachers nominated by the local bargaining
17 representatives to the appropriate regional superintendent for
18 appointment and no more than 3 members of which shall be from
19 each of the following categories, including but not limited to
20 superintendents, regional superintendents, school board
21 members and a representative of an institution of higher
22 education. The members of the board shall be appointed by the
23 regional superintendents whose school districts are served by
24 the educational service center. The composition of the board
25 will reflect the revisions of this amendatory Act of 1989 as
26 the terms of office of current members expire.

1 (c) The centers shall be of sufficient size and number to
2 assure delivery of services to all local school districts in
3 the State.

4 (d) From monies appropriated for this program the State
5 Board of Education shall provide grants paid from the Personal
6 Property Tax Replacement Fund to qualifying Educational
7 Service Centers applying for such grants in accordance with
8 rules and regulations promulgated by the State Board of
9 Education to implement this Section.

10 (e) The governing authority of each of the 18 regional
11 educational service centers shall appoint a comprehensive
12 personal health and safety education and comprehensive sexual
13 health ~~family life~~ ~~sex~~ education advisory board consisting
14 of 2 parents, 2 teachers, 2 school administrators, 2 school
15 board members, 2 health care professionals, one library system
16 representative, and the director of the regional educational
17 service center who shall serve as chairperson of the advisory
18 board so appointed. Members of the comprehensive personal
19 health and safety education and comprehensive sexual health
20 ~~family life~~ ~~sex~~ education advisory boards shall serve
21 without compensation. Each of the advisory boards appointed
22 pursuant to this subsection shall develop a plan for regional
23 teacher-parent comprehensive personal health and safety
24 education and comprehensive sexual health ~~family life~~ ~~sex~~
25 education training sessions and shall file a written report of
26 such plan with the governing board of their regional

1 educational service center. The directors of each of the
2 regional educational service centers shall thereupon meet,
3 review each of the reports submitted by the advisory boards
4 and combine those reports into a single written report which
5 they shall file with the Citizens Council on School Problems
6 prior to the end of the regular school term of the 1987-1988
7 school year.

8 (f) The 14 educational service centers serving Class I
9 county school units shall be disbanded on the first Monday of
10 August, 1995, and their statutory responsibilities and
11 programs shall be assumed by the regional offices of
12 education, subject to rules and regulations developed by the
13 State Board of Education. The regional superintendents of
14 schools elected by the voters residing in all Class I counties
15 shall serve as the chief administrators for these programs and
16 services.

17 (Source: P.A. 98-24, eff. 6-19-13; 98-647, eff. 6-13-14;
18 99-30, eff. 7-10-15.)

19 (105 ILCS 5/27-9.1a new)

20 Sec. 27-9.1a. Comprehensive personal health and safety and
21 comprehensive sexual health education.

22 (a) In this Section:

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

1 "Age and developmentally appropriate" means suitable to
2 particular ages or age groups of children and adolescents,
3 based on the developing cognitive, emotional, and behavioral
4 capacity typical for the age or age group.

5 "Characteristics of effective programs" includes
6 development, content, and implementation of such programs that
7 (i) have been shown to be effective in terms of increasing
8 knowledge, clarifying values and attitudes, increasing skills,
9 and impacting behavior, (ii) are widely recognized by leading
10 medical and public health agencies to be effective in changing
11 sexual behaviors that lead to sexually transmitted infections,
12 including HIV, unintended pregnancy, interpersonal violence,
13 and sexual violence among young people, and (iii) are taught
14 by professionals who provide a safe learning space, free from
15 shame, stigma, and ideology and are trained in trauma-informed
16 teaching methodologies.

17 "Complete" means information that aligns with the National
18 Sex Education Standards, including information on consent and
19 healthy relationships, anatomy and physiology, puberty and
20 adolescent sexual development, gender identity and expression,
21 sexual orientation and identity, sexual health, and
22 interpersonal violence.

23 "Comprehensive personal health and safety education" means
24 age and developmentally appropriate education that aligns with
25 the National Sex Education Standards, including information on
26 consent and healthy relationships, anatomy and physiology,

1 puberty and adolescent sexual development, gender identity and
2 expression, sexual orientation and identity, sexual health,
3 and interpersonal violence.

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

11 "Consent" means an affirmative, knowing, conscious,
12 ongoing, and voluntary agreement to engage in interpersonal,
13 physical, or sexual activity, which can be revoked at any
14 point, including during the course of interpersonal, physical,
15 or sexual activity.

16 "Culturally appropriate" means affirming culturally
17 diverse individuals, families, and communities in an
18 inclusive, respectful, and effective manner, including
19 materials and instruction that are inclusive of race,
20 ethnicity, language, cultural background, immigration status,
21 religion, disability, gender, gender identity, gender
22 expression, sexual orientation, and sexual behavior.

23 "Evidence-based program" means a program for which
24 systematic, empirical research or evaluation has provided
25 evidence of effectiveness.

26 "Evidence-informed program" means a program that uses the

1 best available research and practice knowledge to guide
2 program design and implementation.

3 "Gender stereotype" means a generalized view or
4 preconception about what attributes, characteristics, or roles
5 are or ought to be taught, possessed by, or performed by people
6 based on their gender identity.

7 "Healthy relationships" means relationships between
8 individuals that consist of mutual respect, trust, honesty,
9 support, fairness, equity, separate identities, physical and
10 emotional safety, and good communication.

11 "Identity" means people's understanding of how they
12 identify their sexual orientation, gender, gender identity, or
13 gender expression without stereotypes, shame, or stigma.

14 "Inclusive" means inclusion of marginalized communities
15 that include, but are not limited to, people of color,
16 immigrants, people of diverse sexual orientations, gender
17 identities, and gender expressions, people who are intersex,
18 people with disabilities, people who have experienced
19 interpersonal or sexual violence, and others.

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

22 "Medically accurate" means verified or supported by the
23 weight of research conducted in compliance with accepted
24 scientific methods and published in peer-reviewed journals, if
25 applicable, or comprising information recognized as accurate
26 and objective.

1 "Pre-exposure Prophylaxis (PrEP)" means medications
2 approved by the federal Food and Drug Administration (FDA) and
3 recommended by the United States Public Health Service or the
4 federal Centers for Disease Control and Prevention for HIV
5 pre-exposure prophylaxis and related pre-exposure prophylaxis
6 services, including, but not limited to, HIV and sexually
7 transmitted infection screening, treatment for sexually
8 transmitted infections, medical monitoring, laboratory
9 services, and sexual health counseling, to reduce the
10 likelihood of HIV infection for individuals who are not living
11 with HIV but are vulnerable to HIV exposure.

12 "Post-exposure Prophylaxis (PeP)" means the medications
13 that are recommended by the federal Centers for Disease
14 Control and Prevention and other public health authorities to
15 help prevent HIV infection after potential occupational or
16 non-occupational HIV exposure.

17 "Sexual violence" means discrimination, bullying,
18 harassment, including sexual harassment, sexual abuse, sexual
19 assault, intimate partner violence, incest, rape, and human
20 trafficking.

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

25 (b) All classes that teach comprehensive personal health
26 and safety and comprehensive sexual health education shall

1 satisfy the following criteria:

2 (1) Course material and instruction shall be age and
3 developmentally appropriate, medically accurate,
4 complete, culturally appropriate, inclusive, and trauma
5 informed.

6 (2) Course material and instruction shall replicate
7 evidence-based or evidence-informed programs or
8 substantially incorporate elements of evidence-based
9 programs or evidence-informed programs or characteristics
10 of effective programs.

11 (3) Course material and instruction shall be inclusive
12 and sensitive to the needs of students based on their
13 status as pregnant or parenting, living with STIs,
14 including HIV, sexually active, asexual, or intersex or
15 based on their gender, gender identity, gender expression,
16 sexual orientation, sexual behavior, or disability.

17 (4) Course material and instruction shall be
18 accessible to students with disabilities, which may
19 include the use of a modified curriculum, materials,
20 instruction in alternative formats, assistive technology,
21 and auxiliary aids.

22 (5) Course material and instruction shall help
23 students develop self-advocacy skills for effective
24 communication with parents or guardians, health and social
25 service professionals, other trusted adults, and peers
26 about sexual health and relationships.

1 (6) Course material and instruction shall provide
2 information to help students develop skills for developing
3 healthy relationships and preventing and dealing with
4 interpersonal violence and sexual violence.

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

9 (8) Course material and instruction shall provide
10 information about local resources where students can
11 obtain additional information and confidential services
12 related to parenting, bullying, interpersonal violence,
13 sexual violence, suicide prevention, sexual and
14 reproductive health, mental health, substance abuse,
15 sexual orientation, gender identity, gender expression,
16 and other related issues.

17 (9) Course material and instruction shall include
18 information about State laws related to minor
19 confidentiality and minor consent, including exceptions,
20 consent education, mandated reporting of child abuse and
21 neglect, the safe relinquishment of a newborn child,
22 minors' access to confidential health care and related
23 services, school policies addressing the prevention of and
24 response to interpersonal and sexual violence, school
25 breastfeeding accommodations, and school policies
26 addressing the prevention of and response to sexual

1 harassment.

2 (10) Course material and instruction may not reflect
3 or promote bias against any person on the basis of the
4 person's race, ethnicity, language, cultural background,
5 citizenship, religion, HIV status, family structure,
6 disability, gender, gender identity, gender expression,
7 sexual orientation, or sexual behavior.

8 (11) Course material and instruction may not employ
9 gender stereotypes.

10 (12) Course material and instruction shall be
11 inclusive of and may not be insensitive or unresponsive to
12 the needs of survivors of interpersonal violence and
13 sexual violence.

14 (13) Course material and instruction may not
15 proselytize any religious doctrine.

16 (14) Course material and instruction may not
17 deliberately withhold health-promoting or life-saving
18 information about culturally appropriate health care and
19 services, including reproductive health services, hormone
20 therapy, and FDA-approved treatments and options,
21 including, but not limited to, Pre-exposure Prophylaxis
22 (PrEP) and Post-exposure Prophylaxis (PeP).

23 (15) Course material and instruction may not be
24 inconsistent with the ethical imperatives of medicine and
25 public health.

26 (c) A school may utilize guest lecturers or resource

1 persons to provide instruction or presentations in accordance
2 with Section 10-22.34b. Comprehensive personal health and
3 safety and comprehensive sexual health education instruction
4 and materials provided by guest lecturers or resource persons
5 may not conflict with the provisions of this Section.

6 (d) No student shall be required to take or participate in
7 any class or course in comprehensive personal health and
8 safety and comprehensive sexual health education. A student's
9 parent or guardian may opt the student out of comprehensive
10 personal health and safety and comprehensive sexual health
11 education by submitting the request in writing. Refusal to
12 take or participate in such a course or program may not be a
13 reason for disciplinary action, academic penalty, suspension,
14 or expulsion or any other sanction of a student. A school
15 district may not require active parental consent for
16 comprehensive personal health and safety and comprehensive
17 sexual health education.

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

1 respond to inquiries about instruction and materials.

2 (f) On or before August 1, 2022, the State Board of
3 Education, in consultation with youth, parents, sexual health
4 and violence prevention experts, health care providers,
5 advocates, and education practitioners, including, but not
6 limited to, administrators, regional superintendents of
7 schools, teachers, and school support personnel, shall develop
8 and adopt rigorous learning standards in the area of
9 comprehensive personal health and safety education for pupils
10 in kindergarten through the 5th grade and comprehensive sexual
11 health education for pupils in the 6th through 12th grades,
12 including, but not limited to, all of the National Sex
13 Education Standards, including information on consent and
14 healthy relationships, anatomy and physiology, puberty and
15 adolescent sexual development, gender identity and expression,
16 sexual orientation and identity, sexual health, and
17 interpersonal violence, as authored by the Future of Sex
18 Education Initiative. As the National Sex Education Standards
19 are updated, the State Board of Education shall update these
20 learning standards.

21 (g) By no later than August 1, 2022, the State Board of
22 Education shall make available resource materials developed in
23 consultation with stakeholders, with the cooperation and input
24 of experts that provide and entities that promote age and
25 developmentally appropriate, medically accurate, complete,
26 culturally appropriate, inclusive, and trauma-informed

1 comprehensive personal health and safety and comprehensive
2 sexual health education policy. Materials may include, without
3 limitation, model comprehensive personal health and safety and
4 comprehensive sexual health education resources and programs.
5 The State Board of Education shall make these resource
6 materials available on its Internet website, in a clearly
7 identified and easily accessible place.

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

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

20 (1) if instruction on comprehensive personal health
21 and safety and comprehensive sexual health education is
22 provided;

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

- 1 (3) the number of students receiving instruction;
2 (4) the number of students excused from instruction;
3 and
4 (5) the duration of instruction.

5 The State Board of Education shall report the results of
6 this inquiry to the General Assembly annually, for a period of
7 5 years beginning one year after the effective date of this
8 amendatory Act of the 102nd General Assembly.

9 (105 ILCS 5/27-9.1b new)

10 Sec. 27-9.1b. Consent education.

11 (a) In this Section:

12 "Age and developmentally appropriate" has the meaning
13 ascribed to that term in Section 27-9.1a.

14 "Consent" has the meaning ascribed to that term in Section
15 27-9.1a.

16 (b) A school district may provide age and developmentally
17 appropriate consent education in kindergarten through the 12th
18 grade.

19 (1) In kindergarten through the 5th grade, instruction
20 and materials shall include age and developmentally
21 appropriate instruction on consent and how to give and
22 receive consent, including a discussion that includes, but
23 is not limited to, all of the following:

24 (A) Setting appropriate physical boundaries with
25 others.

1 (B) Respecting the physical boundaries of others.

2 (C) The right to refuse to engage in behaviors or
3 activities that are uncomfortable or unsafe.

4 (D) Dealing with unwanted physical contact.

5 (E) Helping a peer deal with unwanted physical
6 contact.

7 (2) In the 6th through 12th grades, instruction and
8 materials shall include age and developmentally
9 appropriate instruction on consent and how to give and
10 receive consent, including a discussion that includes, but
11 is not limited to, all of the following:

12 (A) That consent is a freely given agreement to
13 sexual activity.

14 (B) That consent to one particular sexual activity
15 does not constitute consent to other types of sexual
16 activities.

17 (C) That a person's lack of verbal or physical
18 resistance or submission resulting from the use or
19 threat of force does not constitute consent.

20 (D) That a person's manner of dress does not
21 constitute consent.

22 (E) That a person's consent to past sexual
23 activity does not constitute consent to future sexual
24 activity.

25 (F) That a person's consent to engage in sexual
26 activity with one person does not constitute consent

1 to engage in sexual activity with another person.

2 (G) That a person can withdraw consent at any
3 time.

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

9 (i) the person is incapacitated due to the use
10 or influence of alcohol or drugs;

11 (ii) the person is asleep or unconscious;

12 (iii) the person is a minor; or

13 (iv) the person is incapacitated due to a
14 mental disability.

15 (I) The legal age of consent in this State.

16 (105 ILCS 5/27A-5)

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

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

23 (b) A charter school may be established under this Article
24 by creating a new school or by converting an existing public
25 school or attendance center to charter school status.

1 Beginning on April 16, 2003 (the effective date of Public Act
2 93-3), in all new applications to establish a charter school
3 in a city having a population exceeding 500,000, operation of
4 the charter school shall be limited to one campus. The changes
5 made to this Section by Public Act 93-3 do not apply to charter
6 schools existing or approved on or before April 16, 2003 (the
7 effective date of Public Act 93-3).

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

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

22 (c) A charter school shall be administered and governed by
23 its board of directors or other governing body in the manner
24 provided in its charter. The governing body of a charter
25 school shall be subject to the Freedom of Information Act and
26 the Open Meetings Act. No later than January 1, 2021 (one year

1 after the effective date of Public Act 101-291), a charter
2 school's board of directors or other governing body must
3 include at least one parent or guardian of a pupil currently
4 enrolled in the charter school who may be selected through the
5 charter school or a charter network election, appointment by
6 the charter school's board of directors or other governing
7 body, or by the charter school's Parent Teacher Organization
8 or its equivalent.

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

1 the State Board of Education.

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

14 A charter school shall comply with all non-curricular
15 health and safety requirements applicable to public schools
16 under the laws of the State of Illinois. On or before September
17 1, 2015, the State Board shall promulgate and post on its
18 Internet website a list of non-curricular health and safety
19 requirements that a charter school must meet. The list shall
20 be updated annually no later than September 1. Any charter
21 contract between a charter school and its authorizer must
22 contain a provision that requires the charter school to follow
23 the list of all non-curricular health and safety requirements
24 promulgated by the State Board and any non-curricular health
25 and safety requirements added by the State Board to such list
26 during the term of the charter. Nothing in this subsection (d)

1 precludes an authorizer from including non-curricular health
2 and safety requirements in a charter school contract that are
3 not contained in the list promulgated by the State Board,
4 including non-curricular health and safety requirements of the
5 authorizing local school board.

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

10 (f) A charter school shall be responsible for the
11 management and operation of its fiscal affairs including, but
12 not limited to, the preparation of its budget. An audit of each
13 charter school's finances shall be conducted annually by an
14 outside, independent contractor retained by the charter
15 school. To ensure financial accountability for the use of
16 public funds, on or before December 1 of every year of
17 operation, each charter school shall submit to its authorizer
18 and the State Board a copy of its audit and a copy of the Form
19 990 the charter school filed that year with the federal
20 Internal Revenue Service. In addition, if deemed necessary for
21 proper financial oversight of the charter school, an
22 authorizer may require quarterly financial statements from
23 each charter school.

24 (g) A charter school shall comply with all provisions of
25 this Article, the Illinois Educational Labor Relations Act,
26 all federal and State laws and rules applicable to public

1 schools that pertain to special education and the instruction
2 of English learners, and its charter. A charter school is
3 exempt from all other State laws and regulations in this Code
4 governing public schools and local school board policies;
5 however, a charter school is not exempt from the following:

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

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
12 34-84a of this Code regarding discipline of students;

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

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

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

19 (5.5) subsection (b) of Section 10-23.12 and
20 subsection (b) of Section 34-18.6 of this Code;

21 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

7 (15) Section 22-30 of this Code;

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

9 (17) the Seizure Smart School Act; ~~and~~

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

11 (19) Section 27-9.1a of this Code;

12 (20) Section 27-9.1b of this Code; and

13 (21) Section 34-18.8 of this Code.

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

16 (h) A charter school may negotiate and contract with a
17 school district, the governing body of a State college or
18 university or public community college, or any other public or
19 for-profit or nonprofit private entity for: (i) the use of a
20 school building and grounds or any other real property or
21 facilities that the charter school desires to use or convert
22 for use as a charter school site, (ii) the operation and
23 maintenance thereof, and (iii) the provision of any service,
24 activity, or undertaking that the charter school is required
25 to perform in order to carry out the terms of its charter.
26 However, a charter school that is established on or after

1 April 16, 2003 (the effective date of Public Act 93-3) and that
2 operates in a city having a population exceeding 500,000 may
3 not contract with a for-profit entity to manage or operate the
4 school during the period that commences on April 16, 2003 (the
5 effective date of Public Act 93-3) and concludes at the end of
6 the 2004-2005 school year. Except as provided in subsection
7 (i) of this Section, a school district may charge a charter
8 school reasonable rent for the use of the district's
9 buildings, grounds, and facilities. Any services for which a
10 charter school contracts with a school district shall be
11 provided by the district at cost. Any services for which a
12 charter school contracts with a local school board or with the
13 governing body of a State college or university or public
14 community college shall be provided by the public entity at
15 cost.

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

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

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

4 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
5 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
6 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
7 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
8 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
9 3-8-21.)

10 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

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

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

2 (105 ILCS 5/27-9.1 rep.)

3 (105 ILCS 5/27-9.2 rep.)

4 (105 ILCS 5/27-11 rep.)

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.