



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4213

Introduced 11/14/2022, by Sen. Darren Bailey

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-1 from Ch. 122, par. 27-1
110 ILCS 205/9.41 new
110 ILCS 805/3-29.20 new

Amends the School Code. Provides that, for interscholastic athletic programs or comparable programs supported from school district funds, a student's sex shall be the student's biological gender assigned at birth. Provides that, in determining a student's biological gender, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth. Amends the Board of Higher Education Act. Provides that interscholastic athletic teams or sports that are operated by a public university must be expressly designated based on the biological sex at birth of team members. Provides that a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth. Provides that an athletic team or sport designated for females, women, or girls may not be open to students of the male sex. Provides that an athletic team or sport designated for males, men, or boys may be open to students of the female sex. Amends the Public Community College Act. Makes similar changes.

LRB102 27446 RJT 39240 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 27-1 as follows:

6 (105 ILCS 5/27-1) (from Ch. 122, par. 27-1)

7 Sec. 27-1. Areas of education taught - discrimination on
8 account of sex. The State of Illinois, having the
9 responsibility of defining requirements for elementary and
10 secondary education, establishes that the primary purpose of
11 schooling is the transmission of knowledge and culture through
12 which children learn in areas necessary to their continuing
13 development and entry into the world of work. Such areas
14 include the language arts, mathematics, the biological,
15 physical and social sciences, the fine arts and physical
16 development and health.

17 Each school district shall give priority in the allocation
18 of resources, including funds, time allocation, personnel, and
19 facilities, to fulfilling the primary purpose of schooling.

20 The State Board of Education shall establish goals and
21 learning standards consistent with the above purposes and
22 define the knowledge and skills which the State expects
23 students to master and apply as a consequence of their

1 education.

2 Each school district shall establish learning objectives
3 consistent with the State Board of Education's goals and
4 learning standards for the areas referred to in this Section,
5 shall develop appropriate testing and assessment systems for
6 determining the degree to which students are achieving the
7 objectives, and shall develop reporting systems to apprise the
8 community and State of the assessment results.

9 Each school district shall make available to all students
10 academic and vocational courses for the attainment of learning
11 objectives.

12 No student shall be refused admission into or be excluded
13 from any course of instruction offered in the common schools
14 by reason of that person's sex. No student shall, solely by
15 reason of that person's sex, be denied equal access to
16 physical education and interscholastic athletic programs or
17 comparable programs supported from school district funds. For
18 the purposes of this Section, a statement of a student's
19 biological sex on the student's official birth certificate is
20 considered to have correctly stated the student's biological
21 sex at birth if the statement was filed at or near the time of
22 the student's birth. For interscholastic athletic programs or
23 comparable programs supported from school district funds, a
24 student's sex shall be the student's biological gender
25 assigned at birth. This Section is violated when a high school
26 subject to this Act participates in the post-season basketball

1 tournament of any organization or association that does not
2 conduct post-season high school basketball tournaments for
3 both boys and girls, which tournaments are identically
4 structured. Conducting identically structured tournaments
5 includes having the same number of girls' teams as boys' teams
6 playing, in their respective tournaments, at any common
7 location chosen for the final series of games in a tournament;
8 provided, that nothing in this paragraph shall be deemed to
9 prohibit the selection for the final series of games in the
10 girls' tournaments of a common location that is different than
11 the common location selected for the final series of games in
12 the boys' tournaments. Except as specifically stated in this
13 Section, equal access to programs supported by school district
14 funds and comparable programs will be defined in rules
15 promulgated by the State Board of Education in consultation
16 with the Illinois High School Association.

17 (Source: P.A. 94-875, eff. 7-1-06.)

18 Section 10. The Board of Higher Education Act is amended
19 by adding Section 9.41 as follows:

20 (110 ILCS 205/9.41 new)

21 Sec. 9.41. Designation of athletic teams or sports.

22 (a) For purposes of this Section, a statement of a
23 student's biological sex on the student's official birth
24 certificate is considered to have correctly stated the

1 student's biological sex at birth if the statement was filed
2 at or near the time of the student's birth.

3 (b) Intercollegiate athletic teams or sports that are
4 sponsored by a public university must be expressly designated
5 as one of the following based on the biological sex at birth of
6 team members:

7 (1) males, men, or boys;

8 (2) females, women, or girls; or

9 (3) coed or mixed, including both males and females.

10 (c) An athletic team or sport designated for females,
11 women, or girls may not be open to students of the male sex.

12 (d) An athletic team or sport designated for males, men,
13 or boys may be open to students of the female sex.

14 Section 15. The Public Community College Act is amended by
15 adding Section 3-29.20 as follows:

16 (110 ILCS 805/3-29.20 new)

17 Sec. 3-29.20. Designation of athletic teams or sports.

18 (a) For purposes of this Section, a statement of a
19 student's biological sex on the student's official birth
20 certificate is considered to have correctly stated the
21 student's biological sex at birth if the statement was filed
22 at or near the time of the student's birth.

23 (b) Intercollegiate athletic teams or sports that are
24 operated by a board must be expressly designated as one of the

1 following based on the biological sex at birth of team
2 members:

3 (1) males, men, or boys;

4 (2) females, women, or girls; or

5 (3) coed or mixed, including both males and females.

6 (c) An athletic team or sport designated for females,
7 women, or girls may not be open to students of the male sex.

8 (d) An athletic team or sport designated for males, men,
9 or boys may be open to students of the female sex.