



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1481

Introduced 1/31/2023, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5
105 ILCS 5/28-22 new

Amends the Instructional Materials Article of the School Code. Provides that a school district (including a charter school) shall require that books that are included as a part of any course, material, instruction, reading assignment, or other school curricula related to literature during the school year or that appear on summer reading lists must include books that are written by diverse authors, including, but not limited to, authors who are African American, women, Native American, LatinX, and Asian. Provides that reading material may not perpetuate bias against persons based on specified categories. Provides that for any school district utilizing federal funds under Title I, Part A of the federal Elementary and Secondary Education Act of 1965, the selection of each book to be included in a reading assignment, course material and instruction, or other school curricula related to literature must first receive prior approval from the school board before the book may be included. Provides that the criteria for the approval or denial of a book shall be determined by school board policy, but the minimum requirement is that the book may not be approved by the school board if the book contains language or material that is derogatory or racist or incites hate against any persons. Provides for rulemaking and guidelines. Effective immediately.

LRB103 03522 RJT 48528 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 Section
5 27A-5 and by adding Section 28-22 as follows:

6 (105 ILCS 5/27A-5)

7 (Text of Section before amendment by P.A. 102-466,
8 102-702, and 102-805)

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

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

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

1 effective date of Public Act 93-3).

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

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

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

1 body, or by the charter school's Parent Teacher Organization
2 or its equivalent.

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

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

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

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

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

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

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

21 (g) A charter school shall comply with all provisions of
22 this Article, the Illinois Educational Labor Relations Act,
23 all federal and State laws and rules applicable to public
24 schools that pertain to special education and the instruction
25 of English learners, and its charter. A charter school is
26 exempt from all other State laws and regulations in this Code

1 governing public schools and local school board policies;
2 however, a charter school is not exempt from the following:

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

8 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
9 34-84a of this Code regarding discipline of students;

10 (3) the Local Governmental and Governmental Employees
11 Tort Immunity Act;

12 (4) Section 108.75 of the General Not For Profit
13 Corporation Act of 1986 regarding indemnification of
14 officers, directors, employees, and agents;

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

16 (5.5) subsection (b) of Section 10-23.12 and
17 subsection (b) of Section 34-18.6 of this Code;

18 (6) the Illinois School Student Records Act;

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

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

22 (9) Section 27-23.7 of this Code regarding bullying
23 prevention;

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

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

- 1 (12) Sections 10-20.60 and 34-18.53 of this Code;
2 (13) Sections 10-20.63 and 34-18.56 of this Code;
3 (14) Sections 22-90 and 26-18 of this Code;
4 (15) Section 22-30 of this Code;
5 (16) Sections 24-12 and 34-85 of this Code;
6 (17) the Seizure Smart School Act;
7 (18) Section 2-3.64a-10 of this Code;
8 (19) Sections 10-20.73 and 34-21.9 of this Code;
9 (20) Section 10-22.25b of this Code;
10 (21) Section 27-9.1a of this Code;
11 (22) Section 27-9.1b of this Code;
12 (23) Section 34-18.8 of this Code;
13 (25) Section 2-3.188 of this Code;
14 (26) Section 22-85.5 of this Code;
15 (27) subsections ~~Subsections~~ (d-10), (d-15), and
16 (d-20) of Section 10-20.56 of this Code; ~~and~~
17 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and-~~
18 (33) Section 28-22 of this Code.

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

21 (h) A charter school may negotiate and contract with a
22 school district, the governing body of a State college or
23 university or public community college, or any other public or
24 for-profit or nonprofit private entity for: (i) the use of a
25 school building and grounds or any other real property or
26 facilities that the charter school desires to use or convert

1 for use as a charter school site, (ii) the operation and
2 maintenance thereof, and (iii) the provision of any service,
3 activity, or undertaking that the charter school is required
4 to perform in order to carry out the terms of its charter.
5 However, a charter school that is established on or after
6 April 16, 2003 (the effective date of Public Act 93-3) and that
7 operates in a city having a population exceeding 500,000 may
8 not contract with a for-profit entity to manage or operate the
9 school during the period that commences on April 16, 2003 (the
10 effective date of Public Act 93-3) and concludes at the end of
11 the 2004-2005 school year. Except as provided in subsection
12 (i) of this Section, a school district may charge a charter
13 school reasonable rent for the use of the district's
14 buildings, grounds, and facilities. Any services for which a
15 charter school contracts with a school district shall be
16 provided by the district at cost. Any services for which a
17 charter school contracts with a local school board or with the
18 governing body of a State college or university or public
19 community college shall be provided by the public entity at
20 cost.

21 (i) In no event shall a charter school that is established
22 by converting an existing school or attendance center to
23 charter school status be required to pay rent for space that is
24 deemed available, as negotiated and provided in the charter
25 agreement, in school district facilities. However, all other
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be
2 subject to negotiation between the charter school and the
3 local school board and shall be set forth in the charter.

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

6 (k) If the charter school is approved by the State Board or
7 Commission, then the charter school is its own local education
8 agency.

9 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
10 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
11 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
12 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
13 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
14 12-3-21; 102-697, eff. 4-5-22; 102-813, eff. 5-13-22; revised
15 8-16-22.)

16 (Text of Section after amendment by P.A. 102-805 but
17 before amendment by P.A. 102-466 and 102-702)

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

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8 effective date of Public Act 93-3).

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10 a cyber school where students engage in online curriculum and
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8 body, or by the charter school's Parent Teacher Organization
9 or its equivalent.

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11 effective date of Public Act 101-291) or within the first year
12 of his or her first term, every voting member of a charter
13 school's board of directors or other governing body shall
14 complete a minimum of 4 hours of professional development
15 leadership training to ensure that each member has sufficient
16 familiarity with the board's or governing body's role and
17 responsibilities, including financial oversight and
18 accountability of the school, evaluating the principal's and
19 school's performance, adherence to the Freedom of Information
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22 voting member of a charter school's board of directors or
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24 professional development training in these same areas. The
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23 (d-20) of Section 10-20.56 of this Code; ~~and~~

24 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~

25 (29) ~~(27)~~ Section 10-20.13 of this Code;

26 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~

1 (31) ~~(29)~~ Section 34-21.6 of this Code; and

2 (33) Section 28-22 of this Code.

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

5 (h) A charter school may negotiate and contract with a
6 school district, the governing body of a State college or
7 university or public community college, or any other public or
8 for-profit or nonprofit private entity for: (i) the use of a
9 school building and grounds or any other real property or
10 facilities that the charter school desires to use or convert
11 for use as a charter school site, (ii) the operation and
12 maintenance thereof, and (iii) the provision of any service,
13 activity, or undertaking that the charter school is required
14 to perform in order to carry out the terms of its charter.
15 However, a charter school that is established on or after
16 April 16, 2003 (the effective date of Public Act 93-3) and that
17 operates in a city having a population exceeding 500,000 may
18 not contract with a for-profit entity to manage or operate the
19 school during the period that commences on April 16, 2003 (the
20 effective date of Public Act 93-3) and concludes at the end of
21 the 2004-2005 school year. Except as provided in subsection
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1 (Text of Section after amendment by P.A. 102-702 but
2 before amendment by P.A. 102-466)

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25 leadership training to ensure that each member has sufficient
26 familiarity with the board's or governing body's role and

1 responsibilities, including financial oversight and
2 accountability of the school, evaluating the principal's and
3 school's performance, adherence to the Freedom of Information
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11 provided or certified by other qualified providers approved by
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10 and safety requirements added by the State Board to such list
11 during the term of the charter. Nothing in this subsection (d)
12 precludes an authorizer from including non-curricular health
13 and safety requirements in a charter school contract that are
14 not contained in the list promulgated by the State Board,
15 including non-curricular health and safety requirements of the
16 authorizing local school board.

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

21 (f) A charter school shall be responsible for the
22 management and operation of its fiscal affairs, including, but
23 not limited to, the preparation of its budget. An audit of each
24 charter school's finances shall be conducted annually by an
25 outside, independent contractor retained by the charter
26 school. The contractor shall not be an employee of the charter

1 school or affiliated with the charter school or its authorizer
2 in any way, other than to audit the charter school's finances.
3 To ensure financial accountability for the use of public
4 funds, on or before December 1 of every year of operation, each
5 charter school shall submit to its authorizer and the State
6 Board a copy of its audit and a copy of the Form 990 the
7 charter school filed that year with the federal Internal
8 Revenue Service. In addition, if deemed necessary for proper
9 financial oversight of the charter school, an authorizer may
10 require quarterly financial statements from each charter
11 school.

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

20 (1) Sections 10-21.9 and 34-18.5 of this Code
21 regarding criminal history records checks and checks of
22 the Statewide Sex Offender Database and Statewide Murderer
23 and Violent Offender Against Youth Database of applicants
24 for employment;

25 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
26 34-84a of this Code regarding discipline of students;

1 (3) the Local Governmental and Governmental Employees
2 Tort Immunity Act;

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

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

7 (5.5) subsection (b) of Section 10-23.12 and
8 subsection (b) of Section 34-18.6 of this Code;

9 (6) the Illinois School Student Records Act;

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

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

13 (9) Section 27-23.7 of this Code regarding bullying
14 prevention;

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

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

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

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

20 (14) Sections 22-90 and 26-18 of this Code;

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

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

23 (17) the Seizure Smart School Act;

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

25 (19) Sections 10-20.73 and 34-21.9 of this Code;

26 (20) Section 10-22.25b of this Code;

- 1 (21) Section 27-9.1a of this Code;
- 2 (22) Section 27-9.1b of this Code;
- 3 (23) Section 34-18.8 of this Code; ~~and~~
- 4 (25) Section 2-3.188 of this Code;
- 5 (26) Section 22-85.5 of this Code;
- 6 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 7 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 8 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- 9 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 10 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 11 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 12 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~and~~
- 13 (33) Section 28-22 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. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
5 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
6 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
7 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
8 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
9 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,
10 eff. 1-1-23; 102-813, eff. 5-13-22; revised 8-16-22.)

11 (Text of Section after amendment by P.A. 102-466)

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

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

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

1 schools existing or approved on or before April 16, 2003 (the
2 effective date of Public Act 93-3).

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

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

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

1 the charter school's board of directors or other governing
2 body, or by the charter school's Parent Teacher Organization
3 or its equivalent.

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

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

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

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

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

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

22 (g) A charter school shall comply with all provisions of
23 this Article, the Illinois Educational Labor Relations Act,
24 all federal and State laws and rules applicable to public
25 schools that pertain to special education and the instruction
26 of English learners, and its charter. A charter school is

1 exempt from all other State laws and regulations in this Code
2 governing public schools and local school board policies;
3 however, a charter school is not exempt from the following:

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

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

11 (3) the Local Governmental and Governmental Employees
12 Tort Immunity Act;

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

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

17 (5.5) subsection (b) of Section 10-23.12 and
18 subsection (b) of Section 34-18.6 of this Code;

19 (6) the Illinois School Student Records Act;

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

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

23 (9) Section 27-23.7 of this Code regarding bullying
24 prevention;

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

- 1 (11) Sections 22-80 and 27-8.1 of this Code;
- 2 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 3 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 4 (14) Sections 22-90 and 26-18 of this Code;
- 5 (15) Section 22-30 of this Code;
- 6 (16) Sections 24-12 and 34-85 of this Code;
- 7 (17) the Seizure Smart School Act;
- 8 (18) Section 2-3.64a-10 of this Code;
- 9 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 10 (20) Section 10-22.25b of this Code;
- 11 (21) Section 27-9.1a of this Code;
- 12 (22) Section 27-9.1b of this Code;
- 13 (23) Section 34-18.8 of this Code;
- 14 (24) Article 26A of this Code; ~~and~~
- 15 (25) Section 2-3.188 of this Code;
- 16 (26) Section 22-85.5 of this Code;
- 17 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 18 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 19 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~
- 20 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 21 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 22 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~;~~
- 23 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~and;~~
- 24 (33) Section 28-22 of this Code.

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

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

1 (i) In no event shall a charter school that is established
2 by converting an existing school or attendance center to
3 charter school status be required to pay rent for space that is
4 deemed available, as negotiated and provided in the charter
5 agreement, in school district facilities. However, all other
6 costs for the operation and maintenance of school district
7 facilities that are used by the charter school shall be
8 subject to negotiation between the charter school and the
9 local school board and shall be set forth in the charter.

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

12 (k) If the charter school is approved by the State Board or
13 Commission, then the charter school is its own local education
14 agency.

15 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
16 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
17 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
18 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
19 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
20 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,
21 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;
22 revised 8-16-22.)

23 (105 ILCS 5/28-22 new)

24 Sec. 28-22. Literature selection requirements.

25 (a) This Section may be referred to as the Pierce Twins

1 Law.

2 (b) To ensure that students in grades kindergarten through
3 12 receive exposure to diverse peoples, cultures, and
4 backgrounds to better develop tolerance, understanding,
5 appreciation, and acceptance of others, a school district
6 shall require that books that are included as a part of any
7 course, material, instruction, reading assignment, or other
8 school curricula related to literature during the school year
9 or that appear on summer reading lists must include books that
10 are written by diverse authors, including, but not limited to,
11 authors who are African American, women, Native American,
12 LatinX, and Asian. Reading material may not perpetuate bias
13 against persons based on, but not limited to, any of the
14 following the categories:

15 (1) Ability.

16 (2) Race.

17 (3) Language.

18 (4) Beliefs.

19 (5) Gender.

20 (6) Culture.

21 (7) Family dynamics.

22 (8) Socioeconomic status.

23 (c) For any school district utilizing federal funds under
24 Title I, Part A of the federal Elementary and Secondary
25 Education Act of 1965, the selection of each book to be
26 included in a reading assignment, course material and

1 instruction, or other school curricula related to literature
2 must first receive prior approval from the school board before
3 the book may be included. The criteria for the approval or
4 denial of a book shall be determined by school board policy,
5 but the minimum requirement is that the book may not be
6 approved by the school board if the book contains language or
7 material that is derogatory or racist or incites hate against
8 any persons.

9 (d) The State Board of Education shall adopt any rules and
10 guidelines necessary to implement this Section.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.