



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2401

Introduced 2/15/2023, 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 30863 RJT 57376 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 1. This Act may be referred to as the Pierce Twins
5 Act.

6 Section 5. The School Code is amended by changing Section
7 27A-5 and by adding Section 28-22 as follows:

8 (105 ILCS 5/27A-5)

9 (Text of Section before amendment by P.A. 102-466 and
10 102-702)

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

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

17 (b) A charter school may be established under this Article
18 by creating a new school or by converting an existing public
19 school or attendance center to charter school status.
20 Beginning on April 16, 2003 (the effective date of Public Act
21 93-3), in all new applications to establish a charter school
22 in a city having a population exceeding 500,000, operation of

1 the charter school shall be limited to one campus. The changes
2 made to this Section by Public Act 93-3 do not apply to charter
3 schools existing or approved on or before April 16, 2003 (the
4 effective date of Public Act 93-3).

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

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

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

1 enrolled in the charter school who may be selected through the
2 charter school or a charter network election, appointment by
3 the charter school's board of directors or other governing
4 body, or by the charter school's Parent Teacher Organization
5 or its equivalent.

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

25 (d) For purposes of this subsection (d), "non-curricular
26 health and safety requirement" means any health and safety

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

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

1 including non-curricular health and safety requirements of the
2 authorizing local school board.

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

7 (f) A charter school shall be responsible for the
8 management and operation of its fiscal affairs, including, but
9 not limited to, the preparation of its budget. An audit of each
10 charter school's finances shall be conducted annually by an
11 outside, independent contractor retained by the charter
12 school. The contractor shall not be an employee of the charter
13 school or affiliated with the charter school or its authorizer
14 in any way, other than to audit the charter school's finances.
15 To ensure financial accountability for the use of public
16 funds, on or before December 1 of every year of operation, each
17 charter school shall submit to its authorizer and the State
18 Board a copy of its audit and a copy of the Form 990 the
19 charter school filed that year with the federal Internal
20 Revenue Service. In addition, if deemed necessary for proper
21 financial oversight of the charter school, an authorizer may
22 require quarterly financial statements from each charter
23 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) Sections 22-90 and 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;

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

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

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

13 (21) Section 27-9.1a of this Code;

14 (22) Section 27-9.1b of this Code;

15 (23) Section 34-18.8 of this Code;

16 (25) Section 2-3.188 of this Code;

17 (26) Section 22-85.5 of this Code;

18 (27) subsections ~~Subsections~~ (d-10), (d-15), and
19 (d-20) of Section 10-20.56 of this Code; ~~and~~

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

21 (29) ~~(27)~~ Section 10-20.13 of this Code;

22 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~

23 (31) ~~(29)~~ Section 34-21.6 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;
19 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
20 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813,
21 eff. 5-13-22; revised 12-13-22.)

22 (Text of Section after amendment by P.A. 102-702 but
23 before amendment by P.A. 102-466)

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8 after the effective date of Public Act 101-291), a charter
9 school's board of directors or other governing body must
10 include at least one parent or guardian of a pupil currently
11 enrolled in the charter school who may be selected through the
12 charter school or a charter network election, appointment by
13 the charter school's board of directors or other governing
14 body, or by the charter school's Parent Teacher Organization
15 or its equivalent.

16 (c-5) No later than January 1, 2021 (one year after the
17 effective date of Public Act 101-291) or within the first year
18 of his or her first term, every voting member of a charter
19 school's board of directors or other governing body shall
20 complete a minimum of 4 hours of professional development
21 leadership training to ensure that each member has sufficient
22 familiarity with the board's or governing body's role and
23 responsibilities, including financial oversight and
24 accountability of the school, evaluating the principal's and
25 school's performance, adherence to the Freedom of Information
26 Act and the Open Meetings Act, and compliance with education

1 and labor law. In each subsequent year of his or her term, a
2 voting member of a charter school's board of directors or
3 other governing body shall complete a minimum of 2 hours of
4 professional development training in these same areas. The
5 training under this subsection may be provided or certified by
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24 Tort Immunity Act;

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26 Corporation Act of 1986 regarding indemnification of

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- 15 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 16 (14) Sections 22-90 and 26-18 of this Code;
- 17 (15) Section 22-30 of this Code;
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- 19 (17) the Seizure Smart School Act;
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- 4 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~
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- 7 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~;~~
- 8 (32) ~~(25)~~ Section 22-85.10 of this Code ~~; and~~;
- 9 (33) Section 28-22 of this Code.

10 The change made by Public Act 96-104 to this subsection

11 (g) is declaratory of existing law.

12 (h) A charter school may negotiate and contract with a

13 school district, the governing body of a State college or

14 university or public community college, or any other public or

15 for-profit or nonprofit private entity for: (i) the use of a

16 school building and grounds or any other real property or

17 facilities that the charter school desires to use or convert

18 for use as a charter school site, (ii) the operation and

19 maintenance thereof, and (iii) the provision of any service,

20 activity, or undertaking that the charter school is required

21 to perform in order to carry out the terms of its charter.

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23 April 16, 2003 (the effective date of Public Act 93-3) and that

24 operates in a city having a population exceeding 500,000 may

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

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

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

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

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

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

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

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

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

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

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

15 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

23 (h) A charter school may negotiate and contract with a
24 school district, the governing body of a State college or
25 university or public community college, or any other public or
26 for-profit or nonprofit private entity for: (i) the use of a

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

23 (i) In no event shall a charter school that is established
24 by converting an existing school or attendance center to
25 charter school status be required to pay rent for space that is
26 deemed available, as negotiated and provided in the charter

1 agreement, in school district facilities. However, all other
2 costs for the operation and maintenance of school district
3 facilities that are used by the charter school shall be
4 subject to negotiation between the charter school and the
5 local school board and shall be set forth in the charter.

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

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

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

19 (105 ILCS 5/28-22 new)

20 Sec. 28-22. Literature selection requirements.

21 (a) To ensure that students in grades kindergarten through
22 12 receive exposure to diverse peoples, cultures, and
23 backgrounds to better develop tolerance, understanding,
24 appreciation, and acceptance of others, a school district
25 shall require that books that are included as a part of any

1 course, material, instruction, reading assignment, or other
2 school curricula related to literature during the school year
3 or that appear on summer reading lists must include books that
4 are written by diverse authors, including, but not limited to,
5 authors who are African American, women, Native American,
6 LatinX, and Asian. Reading material may not perpetuate bias
7 against persons based on, but not limited to, any of the
8 following the categories:

9 (1) Ability.

10 (2) Race.

11 (3) Language.

12 (4) Beliefs.

13 (5) Gender.

14 (6) Culture.

15 (7) Family dynamics.

16 (8) Socioeconomic status.

17 (b) For any school district utilizing federal funds under
18 Title I, Part A of the federal Elementary and Secondary
19 Education Act of 1965, the selection of each book to be
20 included in a reading assignment, course material and
21 instruction, or other school curricula related to literature
22 must first receive prior approval from the school board before
23 the book may be included. The criteria for the approval or
24 denial of a book shall be determined by school board policy,
25 but the minimum requirement is that the book may not be
26 approved by the school board if the book contains language or

1 material that is derogatory or racist or incites hate against
2 any persons.

3 (c) The State Board of Education shall adopt any rules and
4 guidelines necessary to implement this Section.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.