



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3071

Introduced 2/17/2023, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

See Index

Amends the Data Governance and Organization to Support Equity and Racial Justice Act. Provides that the State Board of Education is not required to collect and report personally identifiable information on the categories of sex, sexual orientation, and gender identity unless required for federal reporting. Amends the School Code. Makes changes regarding school district standards, recognition levels and annual summative designations, rewards, priority and focus districts, including changing the terminology to Targeted, Comprehensive, and Intensive schools, State interventions, and an Independent Authority. In provisions regarding isolated time out, time out, and physical restraint, changes certain references concerning schools and school districts to entities; defines "entities". In various provisions regarding allergens, replaces references to the "Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form" with "allergy emergency action plan". Makes changes concerning a direct support professional training program, residential placement in nonpublic special education facilities, evidence-based funding, parenting education, and charter schools, including removing references to the State Charter School Commission. Repeals provisions concerning visiting charitable institutions, 2 years as a priority school, a Lincoln's Challenge Academy study, and the Committee of Cooperative Services. Amends the Educational Opportunity for Military Children Act. Provides for additional members on the State Council. Amends the School Safety Drill Act. Makes changes concerning definitions, reporting, and a threat assessment procedure. Makes other changes. Effective immediately.

LRB103 30431 RJT 56861 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 Data Governance and Organization to Support
5 Equity and Racial Justice Act is amended by changing Section
6 20-15 as follows:

7 (20 ILCS 65/20-15)

8 Sec. 20-15. Data Governance and Organization to Support
9 Equity and Racial Justice.

10 (a) On or before July 1, 2022 and each July 1 thereafter,
11 the Board and the Department shall report statistical data on
12 the racial, ethnic, age, sex, disability status, sexual
13 orientation, gender identity, and primary or preferred
14 language demographics of program participants for each major
15 program administered by the Board or the Department, except as
16 provided in subsection (a-5). Except as provided in subsection

17 (b), when reporting the data required under this Section, the
18 Board or the Department shall use the same racial and ethnic
19 classifications for each program, which shall include, but not
20 be limited to, the following:

21 (1) American Indian and Alaska Native alone.

22 (2) Asian alone.

23 (3) Black or African American alone.

- 1 (4) Hispanic or Latino of any race.
2 (5) Native Hawaiian and Other Pacific Islander alone.
3 (6) White alone.
4 (7) Some other race alone.
5 (8) Two or more races.

6 The Board and the Department may further define, by rule,
7 the racial and ethnic classifications, including, if
8 necessary, a classification of "No Race Specified".

9 (a-5) In relation to major program participants, the Board
10 is not required to collect personally identifiable information
11 and report statistical data on the categories of sex, sexual
12 orientation, and gender identity unless required for federal
13 reporting. The Board shall make available reports on its
14 Internet website, posted where other mandated reports are
15 posted, of statistical data on sex, sexual orientation, and
16 gender identity demographics through anonymous surveys or
17 other methods as age and developmentally appropriate.

18 (b) ~~(e)~~ If a program administered by the Board or the
19 Department is subject to federal reporting requirements that
20 include the collection and public reporting of statistical
21 data on the racial and ethnic demographics of program
22 participants, the Department may maintain the same racial and
23 ethnic classifications used under the federal requirements if
24 such classifications differ from the classifications listed in
25 subsection (a).

26 (c) ~~(d)~~ The Department of Innovation and Technology shall

1 assist the Board and the Department by establishing common
2 technological processes and procedures for the Board and the
3 Department to:

4 (1) Catalog data.

5 (2) Identify similar fields in datasets.

6 (3) Manage data requests.

7 (4) Share data.

8 (5) Collect data.

9 (6) Improve and clean data.

10 (7) Match data across the Board and Departments.

11 (8) Develop research and analytic agendas.

12 (9) Report on program participation disaggregated by
13 race and ethnicity.

14 (10) Evaluate equitable outcomes for underserved
15 populations in Illinois.

16 (11) Define common roles for data management.

17 (12) Ensure that all major programs can report
18 disaggregated data by race, ethnicity, age, sex,
19 disability status, sexual orientation, and gender
20 identity, and primary or preferred language.

21 The Board and the Department shall use the common
22 technological processes and procedures established by the
23 Department of Innovation and Technology.

24 (d) ~~(e)~~ If the Board or the Department is unable to begin
25 reporting the data required by subsection (a) by July 1, 2022,
26 the Board or the Department shall state the reasons for the

1 delay under the reporting requirements.

2 (e) ~~(f)~~ By no later than March 31, 2022, the Board and the
3 Department shall provide a progress report to the General
4 Assembly to disclose: (i) the programs and datasets that have
5 been cataloged for which race, ethnicity, age, sex, disability
6 status, sexual orientation, gender identity, and primary or
7 preferred language have been standardized; and (ii) to the
8 extent possible, the datasets and programs that are
9 outstanding for each agency and the datasets that are planned
10 for the upcoming year. On or before March 31, 2023, and each
11 year thereafter, the Board and the Department ~~Departments~~
12 shall provide an updated report to the General Assembly.

13 (f) ~~(g)~~ By no later than October 31, 2021, the Governor's
14 Office shall provide a plan to establish processes for input
15 from the Board and the Department into processes outlined in
16 subsection (c) ~~(b)~~. The plan shall incorporate ongoing efforts
17 at data interoperability within the Department and the
18 governance established to support the P-20 Longitudinal
19 Education Data System enacted by Public Act 96-107.

20 (g) ~~(h)~~ Nothing in this Section shall be construed to
21 limit the rights granted to individuals or data sharing
22 protections established under existing State and federal data
23 privacy and security laws.

24 (Source: P.A. 101-654, eff. 3-8-21; 102-543, eff. 8-20-21;
25 revised 2-4-23.)

1 Section 10. The School Code is amended by changing
2 Sections 2-3.25a, 2-3.25b, 2-3.25c, 2-3.25d-5, 2-3.25f,
3 2-3.25f-5, 2-3.130, 2-3.195, 10-22.21b, 14-7.02, 18-8.15,
4 22-30, 27-23.1, 27A-3, 27A-4, 27A-5, 27A-6, 27A-7, 27A-7.5,
5 27A-7.10, 27A-9, 27A-10, 27A-10.5, 27A-10.10, 27A-11,
6 27A-11.5, 27A-12, 27A-13, 34-18.20, and 34-18.61 as follows:

7 (105 ILCS 5/2-3.25a) (from Ch. 122, par. 2-3.25a)

8 Sec. 2-3.25a. "School district" defined; additional
9 standards.

10 (a) For the purposes of State accountability in this
11 Section and Sections 3.25b, 3.25c, 3.25e, and 3.25f of this
12 Code, "school district" includes other public entities
13 responsible for administering public schools, such as
14 cooperatives, joint agreements, charter schools, special
15 charter districts, regional offices of education, local
16 agencies, and the Department of Human Services.

17 (b) In addition to the standards established pursuant to
18 Section 2-3.25, the State Board of Education shall develop
19 ~~recognition~~ standards for student performance, such as
20 proficiency levels on State assessments, and school
21 improvement, such as annual summative designations, for all
22 school districts and their individual schools. The State Board
23 of Education is prohibited from having separate performance
24 standards for students based on race or ethnicity.

25 The accountability system that produces the school

1 improvement designations ~~measure~~ shall be outlined in the
2 State Plan that the State Board of Education submits to the
3 federal Department of Education pursuant to the federal Every
4 Student Succeeds Act. If the federal Every Student Succeeds
5 Act ceases to require a State Plan, the State Board of
6 Education shall develop a written plan in consultation with
7 the Balanced Accountability Committee created under subsection
8 (b-5) of this Section.

9 (b-5) The Balanced Accountability Measure Committee is
10 created and shall consist of the following individuals: a
11 representative of a statewide association representing
12 regional superintendents of schools, a representative of a
13 statewide association representing principals, a
14 representative of an association representing principals in a
15 city having a population exceeding 500,000, a representative
16 of a statewide association representing school administrators,
17 a representative of a statewide professional teachers'
18 organization, a representative of a different statewide
19 professional teachers' organization, an additional
20 representative from either statewide professional teachers'
21 organization, a representative of a professional teachers'
22 organization in a city having a population exceeding 500,000,
23 a representative of a statewide association representing
24 school boards, and a representative of a school district
25 organized under Article 34 of this Code. The head of each
26 association or entity listed in this paragraph shall appoint

1 its respective representative. The State Superintendent of
2 Education, in consultation with the Committee, may appoint no
3 more than 2 additional individuals to the Committee, which
4 individuals shall serve in an advisory role and must not have
5 voting or other decision-making rights.

6 The Balanced Accountability Measure Committee shall meet
7 no less than 4 times per year to discuss the accountability
8 system standards set forth in the State Plan pursuant to the
9 federal Every Student Succeeds Act and to provide stakeholder
10 feedback and recommendations to the State Board of Education
11 with regard to the State Plan, which the State Board shall take
12 into consideration. On or before ~~Upon~~ completion of the
13 2019-2020 school year and no less than once every 3 years
14 thereafter, the Balanced Accountability Measure Committee
15 shall assess the implementation of the State Plan and, if
16 necessary, make recommendations to the State Board for any
17 changes. The Committee shall consider accountability
18 recommendations made by the Illinois P-20 Council established
19 under Section 22-45 of this Code, the Illinois Early Learning
20 Council created under the Illinois Early Learning Council Act,
21 and any other stakeholder group established by the State Board
22 in relation to the federal Every Student Succeeds Act. The
23 State Board shall provide to the Committee an annual report
24 with data and other information collected from entities
25 identified by the State Board as learning partners, including,
26 but not limited to, data and information on the learning

1 partners' effectiveness, geographic distribution, and cost to
2 serve as part of a comprehensive statewide system of support.

3 The State Board of Education, in collaboration with the
4 Balanced Accountability Measure Committee set forth in this
5 subsection (b-5), shall adopt rules that further
6 implementation in accordance with the requirements of this
7 Section.

8 (Source: P.A. 99-84, eff. 1-1-16; 99-193, eff. 7-30-15;
9 99-642, eff. 7-28-16; 99-657, eff. 7-28-16; 100-1046, eff.
10 8-23-18.)

11 (105 ILCS 5/2-3.25b) (from Ch. 122, par. 2-3.25b)

12 Sec. 2-3.25b. Recognition levels and annual summative
13 designations. The State Board of Education shall, consistent
14 with adopted recognition standards, provide for levels of
15 recognition or nonrecognition. The State Board of Education
16 shall promulgate rules governing the procedures whereby school
17 districts may appeal a recognition level.

18 The State Board of Education shall have the authority to
19 collect from schools and school districts the information,
20 data, test results, student performance and school improvement
21 indicators as may be necessary to implement and carry out the
22 purposes of this Act and to implement and carry out the
23 issuance of school improvement designations via the
24 accountability system identified in Section 2-3.25a of this
25 Code. Schools and school districts that fail to submit

1 accurate data within the State Board of Education's timeframes
2 may have federal funds withheld.

3 (Source: P.A. 96-734, eff. 8-25-09.)

4 (105 ILCS 5/2-3.25c) (from Ch. 122, par. 2-3.25c)

5 Sec. 2-3.25c. Rewards. The State Board of Education shall
6 implement a system of rewards for school districts, and the
7 schools themselves, through a process that recognizes schools
8 in improvement status that are (i) high-poverty,
9 high-performing schools that are closing achievement gaps or
10 are ~~and~~ excelling in academic achievement; (ii) schools that
11 have sustained high performance serving identified student
12 groups; (iii) schools that have substantial growth performance
13 over the 3 years immediately preceding the year in which
14 recognition is awarded; and (iv) schools that have
15 demonstrated the most progress in improving student outcomes
16 of student groups identified for Targeted, Comprehensive, or
17 Intensive School Improvement, ~~in comparison to schools~~
18 ~~statewide, in closing the achievement gap among various~~
19 ~~subgroups of students in the 3 years immediately preceding the~~
20 ~~year in which recognition is awarded.~~

21 (Source: P.A. 99-193, eff. 7-30-15.)

22 (105 ILCS 5/2-3.25d-5)

23 Sec. 2-3.25d-5. Targeted, Comprehensive, and Intensive
24 schools ~~Priority and focus districts.~~

1 (a) Beginning in 2018 ~~2015~~, a school ~~school districts~~
2 designated as "Comprehensive" ~~priority districts~~ shall be
3 ~~those that have one or more priority schools.~~ "Priority
4 school" ~~is~~ defined as:

5 (1) a school that is among the lowest performing 5% of
6 schools in this State based on the multi-measures
7 accountability system defined in the State Plan ~~a 3-year~~
8 ~~average~~, with respect to the performance of the "all
9 students" group for the percentage of students deemed
10 proficient in English/language arts and mathematics
11 combined, and demonstrates a lack of progress as defined
12 by the State Board of Education;

13 (2) any high school with a graduation rate of less
14 than 67% ~~a beginning secondary school that has an average~~
15 ~~graduation rate of less than 60% over the last 3 school~~
16 ~~years; or~~

17 (2.5) any school that has completed a full 4-year
18 cycle of Targeted School Improvement but remains
19 identified for Targeted Support for one or more of the
20 same student groups originally identified for Targeted
21 Support; or

22 (3) (blank). ~~a school receiving a school improvement~~
23 ~~grant under Section 1003(g) of the federal Elementary and~~
24 ~~Secondary Education Act of 1965.~~

25 The State Board of Education shall work with districts
26 with one or more schools in Comprehensive School Improvement

1 Status a ~~priority district~~ to perform a ~~district~~ needs
2 assessment to determine the district's core functions that are
3 areas of strength and weakness, ~~unless the district is already~~
4 ~~undergoing a national accreditation process.~~ The results from
5 the ~~district~~ needs assessment shall be used by the district
6 and school to identify goals and objectives for ~~the district's~~
7 improvement. The ~~district~~ needs assessment shall include at a
8 minimum, a review of the following areas: student performance
9 on State assessments; student performance on local
10 assessments; finances, including resource allocation reviews;
11 ~~a study of district functions, such as district finance,~~
12 governance, including effectiveness of school leadership;
13 student engagement opportunities and access to those
14 opportunities; instructional, ~~instruction~~ practices;
15 standards-aligned curriculum; school climate, and culture
16 survey results; family and community engagement; reflective
17 stakeholder engagement; involvement, and continuous school
18 improvement practices; educator and employee quality,
19 including staff continuity and turnover rates; and alignment
20 of professional development to continuous improvement efforts.

21 (b) Beginning in 2018, a school ~~2015, districts~~ designated
22 as "Targeted" ~~focus districts~~ shall be ~~those that have one or~~
23 ~~more focus schools.~~ "Focus school" means a school that is
24 ~~contributing to the achievement gaps in this State and is~~
25 defined as a school in which one or more student groups is
26 performing at or below the level of the "all students" group of

1 schools designated Comprehensive, as defined in paragraph (1)
2 of subsection (a) of this Section.†

3 ~~(1) a school that has one or more subgroups in which~~
4 ~~the average student performance is at or below the State~~
5 ~~average for the lowest 10% of student performance in that~~
6 ~~subgroup; or~~

7 ~~(2) a school with an average graduation rate of less~~
8 ~~than 60% and not identified for priority.~~

9 (c) Beginning in 2023, a school designated as "Intensive"
10 shall be defined as a school that has completed a full 4-year
11 cycle of Comprehensive School Improvement but does not meet
12 the criteria to exit that status, as defined in the State Plan
13 referenced in subsection (b) of Section 2-3.25a of this Code,
14 at the end of the cycle.

15 (d) All schools in school improvement status, including
16 Comprehensive, Targeted, and Intensive schools, must complete
17 a school-level needs assessment and develop and implement a
18 continuous improvement plan.

19 (Source: P.A. 99-193, eff. 7-30-15.)

20 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

21 Sec. 2-3.25f. State interventions.

22 (a) The State Board of Education shall provide technical
23 assistance to schools in school improvement status to assist
24 with the development and implementation of ~~School and District~~
25 Improvement Plans.

1 Schools or school districts that fail to make reasonable
2 efforts to implement an approved Improvement Plan may suffer
3 loss of State funds by school district, attendance center, or
4 program as the State Board of Education deems appropriate.

5 (a-5) (Blank).

6 (b) Schools that receive Targeted Support or Comprehensive
7 Support designations shall enter a 4-year cycle of school
8 improvement status. If, at the end of the 4-year cycle, the
9 school fails to meet the exit criteria specified in the State
10 Plan referenced in subsection (b) of Section 2-3.25a of this
11 Code, the school shall escalate to a more intensive
12 intervention. Targeted Support schools that remain Targeted
13 for one or more of the same student groups as in the initial
14 identification after completion of a 4-year cycle of Targeted
15 School Improvement shall be redesignated as Comprehensive
16 Support schools, as provided in paragraph (2.5) of subsection
17 (a) of Section 2-3.25d-5 of this Code. Comprehensive Support
18 schools that remain in the lowest-performing 5% after
19 completion of a 4-year cycle of Comprehensive School
20 Improvement shall be redesignated as Intensive Support schools
21 and shall escalate through more rigorous, tiered support,
22 developed in consultation with the Balanced Accountability
23 Measure Committee and other relevant stakeholder groups, which
24 may ultimately result in the ~~Beginning in 2017, if, after 3~~
25 ~~years following its identification as a priority district~~
26 ~~under Section 2-3.25d-5 of this Code, a district does not make~~

1 ~~progress as measured by a reduction in achievement gaps~~
2 ~~commensurate with the targets in this State's approved~~
3 ~~accountability plan with the U.S. Department of Education,~~
4 ~~then the State Board of Education may~~ (i) change of ~~the~~
5 recognition status of the school district or school to
6 nonrecognized or (ii) authorization for ~~authorize~~ the State
7 Superintendent of Education to direct the reassignment of
8 pupils or direct the reassignment or replacement of school or
9 school district personnel. If a school district is
10 nonrecognized in its entirety, for any reason, including those
11 not related to performance in the accountability system, it
12 shall automatically be dissolved on July 1 following that
13 nonrecognition and its territory realigned with another school
14 district or districts by the regional board of school trustees
15 in accordance with the procedures set forth in Section 7-11 of
16 the School Code. The effective date of the nonrecognition of a
17 school shall be July 1 following the nonrecognition.

18 (b-5) The State Board of Education shall also develop a
19 system to provide assistance and resources to lower performing
20 school districts. At a minimum, the State Board shall identify
21 school districts to receive Intensive, Comprehensive, and
22 Targeted Support ~~priority services, to be known as priority~~
23 ~~districts under Section 2-3.25d-5 of this Code.~~ The school
24 district shall provide the exclusive bargaining representative
25 with a 5-day notice that the district has had one or more
26 schools within the district identified as being in

1 Comprehensive or Intensive School Improvement Status ~~been~~
2 ~~identified as a priority district~~. In addition, the State
3 Board may, by rule, develop other categories of low-performing
4 schools and school districts to receive services.

5 The State Board of Education shall work with districts
6 with one or more schools in Comprehensive or Intensive School
7 Improvement Status, through technical assistance and
8 professional development, based ~~Based~~ on the results of the
9 ~~district~~ needs assessment under Section 2-3.25d-5 of this
10 Code, ~~the State Board of Education shall work with the~~
11 ~~district to provide technical assistance and professional~~
12 ~~development, in partnership with the district, to~~ develop and
13 implement a continuous improvement plan that would increase
14 outcomes for students. The plan for continuous improvement
15 shall be based on the results of the ~~district~~ needs assessment
16 and shall be used to determine the types of services that are
17 to be provided to each Comprehensive and Intensive School
18 ~~priority district~~. Potential services ~~for a district~~ may
19 include, but are not limited to, monitoring adult and student
20 practices, reviewing and reallocating district resources,
21 developing a district and school leadership team, providing
22 access to curricular content area specialists, and providing
23 online resources and professional development.

24 The State Board of Education may require ~~priority~~
25 districts with one or more Comprehensive or Intensive Schools
26 identified as having deficiencies in one or more core

1 functions of the ~~district~~ needs assessment to undergo an
2 accreditation process ~~as provided in subsection (d) of Section~~
3 ~~2-3.25f-5 of this Code.~~

4 (c) All federal requirements apply to schools and school
5 districts utilizing federal funds under Title I, Part A of the
6 federal Elementary and Secondary Education Act of 1965.

7 (Source: P.A. 98-1155, eff. 1-9-15; 99-193, eff. 7-30-15;
8 99-203, eff. 7-30-15; 99-642, eff. 7-28-16.)

9 (105 ILCS 5/2-3.25f-5)

10 Sec. 2-3.25f-5. Independent Authority.

11 (a) The General Assembly finds all of the following:

12 (1) A fundamental goal of the people of this State, as
13 expressed in Section 1 of Article X of the Illinois
14 Constitution, is the educational development of all
15 persons to the limits of their capacities. When a school
16 board faces governance difficulties, continued operation
17 of the public school system is threatened.

18 (2) Sound school board governance, academic
19 achievement, and sound financial structure are essential
20 to the continued operation of any school system. It is
21 vital to commercial, educational, and cultural interests
22 that public schools remain in operation. To achieve that
23 goal, public school systems must have effective
24 leadership.

25 (3) To promote the sound operation of districts, as

1 defined in this Section, it may be necessary to provide
2 for the creation of independent authorities with the
3 powers necessary to promote sound governance, sound
4 academic planning, and sound financial management and to
5 ensure the continued operation of the public schools.

6 (4) It is the purpose of this Section to provide for a
7 sound basis for the continued operation of public schools.
8 The intention of the General Assembly, in creating this
9 Section, is to establish procedures, provide powers, and
10 impose restrictions to ensure the educational integrity of
11 public school districts.

12 (b) As used in this Section:

13 "Board" means a school board of a district.

14 "Chairperson" means the Chairperson of the Independent
15 Authority.

16 "District" means any school district having a population
17 of not more than 500,000.

18 "State Board" means the State Board of Education.

19 "State Superintendent" means the State Superintendent of
20 Education.

21 (c) The State Board has the power to direct the State
22 Superintendent to remove a board. Boards may be removed when
23 the criteria provided for in subsection (d) of this Section
24 are met. At no one time may the State Board remove more than 4
25 school boards and establish Independent Authorities pursuant
26 to subsection (e) of this Section.

1 If the State Board proposes to direct the State
2 Superintendent to remove a board from a district, board
3 members shall receive individual written notice of the
4 intended removal. Written notice must be provided at least 30
5 calendar days before a hearing is held by the State Board. This
6 notice shall identify the basis for proposed removal.

7 Board members are entitled to a hearing, during which time
8 each board member shall have the opportunity to respond
9 individually, both orally and through written comments, to the
10 basis laid out in the notice. Written comments must be
11 submitted to the State Board on or before the hearing.

12 Board members are entitled to be represented by counsel at
13 the hearing, but counsel must not be paid with district funds,
14 unless the State Board decides that the board will not be
15 removed and then the board members may be reimbursed for all
16 reasonable attorney's fees by the district.

17 The State Board shall make a final decision on removal
18 immediately following the hearing or at its next regularly
19 scheduled or special meeting. In no event may the decision be
20 made later than the next regularly scheduled meeting.

21 The State Board shall issue a final written decision. If
22 the State Board directs the State Superintendent to remove the
23 board, the State Superintendent shall do so within 30 days
24 after the written decision. Following the removal of the
25 board, the State Superintendent shall establish an Independent
26 Authority pursuant to subsection (e) of this Section.

1 If there is a financial oversight panel operating in the
2 district pursuant to Article 1B or 1H of this Code, the State
3 Board may, at its discretion, abolish the panel.

4 (d) The State Board may require ~~priority~~ districts with
5 one or more schools in Intensive Support status that have been
6 identified as having deficiencies in one or more core
7 functions of the needs assessment, as described ~~defined~~ in
8 subsection (b-5) of Section 2-3.25f of this Code, to seek
9 accreditation through an independent accreditation
10 organization chosen by the State Board and paid for by the
11 State. The State Board may direct the State Superintendent to
12 remove board members pursuant to subsection (c) of this
13 Section in any district in which the district is unable to
14 obtain accreditation in whole or in part due to reasons
15 specifically related to school board governance. When
16 determining if a district has failed to meet the standards for
17 accreditation specifically related to school board governance,
18 the accreditation entity shall take into account the overall
19 academic, fiscal, and operational condition of the district
20 and consider whether the board has failed to protect district
21 assets, to direct sound administrative and academic policy, to
22 abide by basic governance principles, including those set
23 forth in district policies, and to conduct itself with
24 professionalism and care and in a legally, ethically, and
25 financially responsible manner. When considering if a board
26 has failed in these areas, the accreditation entity shall

1 consider some or all of the following factors:

2 (1) Failure to protect district assets by, without
3 limitation, incidents of fiscal fraud or misappropriation
4 of district funds; acts of neglecting the district's
5 building conditions; a failure to meet regularly
6 scheduled, payroll-period obligations when due; a failure
7 to abide by competitive bidding laws; a failure to prevent
8 an audit finding of material internal control weaknesses;
9 a failure to comply with required accounting principles; a
10 failure to develop and implement a comprehensive,
11 risk-management plan; a failure to provide financial
12 information or cooperate with the State Superintendent; or
13 a failure to file an annual financial report, an annual
14 budget, a deficit reduction plan, or other financial
15 information as required by law.

16 (2) Failure to direct sound administrative and
17 academic policy by, without limitation, hiring staff who
18 do not meet minimal certification requirements for the
19 positions being filled or who do not meet the customary
20 qualifications held by those occupying similar positions
21 in other school districts; a failure to avoid conflicts of
22 interest as it relates to hiring or other contractual
23 obligations; a failure to provide minimum graduation
24 requirements and curricular requirements of the School
25 Code and regulations; a failure to provide a minimum
26 school term as required by law; or a failure to adopt and

1 implement policies and practices that promote conditions
2 that support student learning, effective instruction, and
3 assessment that produce equitable and challenging learning
4 experiences for all students.

5 (3) Failure to abide by basic governance principles
6 by, without limitation, a failure to comply with the
7 mandated oath of office; a failure to adopt and abide by
8 sound local governance policies; a failure to abide by the
9 principle that official action by the board occurs only
10 through a duly-called and legally conducted meeting of the
11 board; a failure to abide by majority decisions of the
12 board; a failure to protect the privacy of students; a
13 failure to ensure that board decisions and actions are in
14 accordance with defined roles and responsibilities; or a
15 failure of the board to protect, support, and respect the
16 autonomy of a system to accomplish goals for improvement
17 in student learning and instruction and to manage
18 day-to-day operations of the school system and its
19 schools, including maintaining the distinction between the
20 board's roles and responsibilities and those of
21 administrative leadership.

22 (4) Failure to conduct itself in a legally, ethically,
23 and financially responsible manner by, without limitation,
24 a failure to act in accordance with the Constitution of
25 the United States of America and the Constitution of the
26 State of Illinois and within the scope of State and

1 federal laws; laws, including a failure to comply with
2 provisions of the School Code, the Open Meetings Act, and
3 the Freedom of Information Act and federal and State laws
4 that protect the rights of protected categories of
5 students; a failure to comply with all district policies
6 and procedures and all State rules; or a failure to comply
7 with the governmental entities provisions of the State
8 Officials and Employees Ethics Act, including the gift ban
9 and prohibited political activities provisions.

10 (e) Upon removal of the board, the State Superintendent
11 shall establish an Independent Authority. Upon establishment
12 of an Independent Authority, there is established a body both
13 corporate and politic to be known as the "(Name of the School
14 District) Independent Authority", which in this name shall
15 exercise all of the authority vested in an Independent
16 Authority by this Section and by the name may sue and be sued
17 in all courts and places where judicial proceedings are had.

18 (f) Upon establishment of an Independent Authority under
19 subsection (e) of this Section, the State Superintendent
20 shall, within 30 working days thereafter and in consultation
21 with State and locally elected officials, appoint 5 or 7
22 members to serve on an Independent Authority for the district.
23 Members appointed to the Independent Authority shall serve at
24 the pleasure of the State Superintendent. The State
25 Superintendent shall designate one of the members of the
26 Independent Authority to serve as its chairperson. In the

1 event of vacancy or resignation, the State Superintendent
2 shall, within 15 working days after receiving notice, appoint
3 a successor to serve out that member's term. If the State Board
4 has abolished a financial oversight panel pursuant to
5 subsection (c) of this Section, the State Superintendent may
6 appoint former members of the panel to the Independent
7 Authority. These members may serve as part of the 5 or 7
8 members or may be appointed in addition to the 5 or 7 members,
9 with the Independent Authority not to exceed 9 members in
10 total.

11 Members of the Independent Authority must be selected
12 primarily on the basis of their experience and knowledge in
13 education policy and governance, with consideration given to
14 persons knowledgeable in the operation of a school district. A
15 member of the Independent Authority must be a registered voter
16 as provided in the general election law, must not be a school
17 trustee, and must not be a child sex offender as defined in
18 Section 11-9.3 of the Criminal Code of 2012. A majority of the
19 members of the Independent Authority must be residents of the
20 district that the Independent Authority serves. A member of
21 the Independent Authority may not be an employee of the
22 district, nor may a member have a direct financial interest in
23 the district.

24 Independent Authority members may be reimbursed by the
25 district for travel if they live more than 25 miles away from
26 the district's headquarters and other necessary expenses

1 incurred in the performance of their official duties. The
2 amount reimbursed members for their expenses must be charged
3 to the school district.

4 With the exception of the Chairperson, the Independent
5 Authority may elect such officers as it deems appropriate.

6 The first meeting of the Independent Authority must be
7 held at the call of the Chairperson. The Independent Authority
8 shall prescribe the times and places for its meetings and the
9 manner in which regular and special meetings may be called and
10 shall comply with the Open Meetings Act.

11 All Independent Authority members must complete the
12 training required of school board members under Section 10-16a
13 of this Code.

14 (g) The purpose of the Independent Authority is to operate
15 the district. The Independent Authority shall have all of the
16 powers and duties of a board and all other powers necessary to
17 meet its responsibilities and to carry out its purpose and the
18 purposes of this Section and that may be requisite or proper
19 for the maintenance, operation, and development of any school
20 or schools under the jurisdiction of the Independent
21 Authority. This grant of powers does not release an
22 Independent Authority from any duty imposed upon it by this
23 Code or any other law.

24 The Independent Authority shall have no power to
25 unilaterally cancel or modify any collective bargaining
26 agreement in force upon the date of creation of the

1 Independent Authority.

2 (h) The Independent Authority may prepare and file with
3 the State Superintendent a proposal for emergency financial
4 assistance for the school district and for the operations
5 budget of the Independent Authority, in accordance with
6 Section 1B-8 of this Code. A district may receive both a loan
7 and a grant.

8 (i) An election for board members must not be held in a
9 district upon the establishment of an Independent Authority
10 and is suspended until the next regularly scheduled school
11 board election that takes place no less than 2 years following
12 the establishment of the Independent Authority. For this first
13 election, 3 school board members must be elected to serve out
14 terms of 4 years and until successors are elected and have
15 qualified. Members of the Independent Authority are eligible
16 to run for election in the district, provided that they meet
17 all other eligibility requirements of Section 10-10 of this
18 Code. Following this election, the school board shall consist
19 of the newly elected members and any remaining members of the
20 Independent Authority. The majority of this board must be
21 residents of the district. The State Superintendent must
22 appoint new members who are residents to the Independent
23 Authority if necessary to maintain this majority. At the next
24 school board election, 4 school board members must be elected
25 to serve out terms of 4 years and until successors are elected
26 and have qualified. For purposes of these first 2 elections,

1 the school board members must be elected at-large. In
2 districts where board members were previously elected using an
3 alternative format pursuant to Article 9 of this Code,
4 following these first 2 elections, the voting shall
5 automatically revert back to the original form. Following the
6 election, any remaining Independent Authority members shall
7 serve in the district as an oversight panel until such time as
8 the district meets the governance standards necessary to
9 achieve accreditation. If some or all of the Independent
10 Authority members have been elected to the board, the State
11 Superintendent may, in his or her discretion, appoint new
12 members to the Independent Authority pursuant to subsection
13 (f) of this Section. The school board shall get approval of all
14 actions by the Independent Authority during the time the
15 Independent Authority serves as an oversight panel.

16 Board members who were removed pursuant to subsection (c)
17 of this Section are ineligible to run for school board in the
18 district for 10 years following the abolition of the
19 Independent Authority pursuant to subsection (l) of this
20 Section. However, board members who were removed pursuant to
21 subsection (c) of this Section and were appointed to the
22 Independent Authority by the State Superintendent are eligible
23 to run for school board in the district.

24 (j) The Independent Authority, upon its members taking
25 office and annually thereafter and upon request, shall prepare
26 and submit to the State Superintendent a report on the state of

1 the district, including without limitation the academic
2 improvement and financial situation of the district. This
3 report must be submitted annually on or before March 1 of each
4 year. The State Superintendent shall provide copies of any and
5 all reports to the regional office of education for the
6 district and to the State Senator and Representative
7 representing the area where the district is located.

8 (k) The district shall render such services to and permit
9 the use of its facilities and resources by the Independent
10 Authority at no charge as may be requested by the Independent
11 Authority. Any State agency, unit of local government, or
12 school district may, within its lawful powers and duties,
13 render such services to the Independent Authority as may be
14 requested by the Independent Authority.

15 (l) An Independent Authority must be abolished when the
16 district, following the election of the full board, meets the
17 governance standards necessary to achieve accreditation status
18 by an independent accreditation agency chosen by the State
19 Board. The abolition of the Independent Authority shall be
20 done by the State Board and take place within 30 days after the
21 determination of the accreditation agency.

22 Upon abolition of the Independent Authority, all powers
23 and duties allowed by this Code to be exercised by a school
24 board shall be transferred to the elected school board.

25 (m) The Independent Authority must be indemnified through
26 insurance purchased by the district. The district shall

1 purchase insurance through which the Independent Authority is
2 to be indemnified.

3 The district retains the duty to represent and to
4 indemnify Independent Authority members following the
5 abolition of the Independent Authority for any cause of action
6 or remedy available against the Independent Authority, its
7 members, its employees, or its agents for any right or claim
8 existing or any liability incurred prior to the abolition.

9 The insurance shall indemnify and protect districts,
10 Independent Authority members, employees, volunteer personnel
11 authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of
12 this Code, mentors of certified or licensed staff as
13 authorized in Article 21A and Sections 2-3.53a, 2-3.53b, and
14 34-18.33 of this Code, and student teachers against civil
15 rights damage claims and suits, constitutional rights damage
16 claims and suits, and death and bodily injury and property
17 damage claims and suits, including defense thereof, when
18 damages are sought for negligent or wrongful acts alleged to
19 have been committed in the scope of employment, under the
20 direction of the Independent Authority, or related to any
21 mentoring services provided to certified or licensed staff of
22 the district. Such indemnification and protection shall extend
23 to persons who were members of an Independent Authority,
24 employees of an Independent Authority, authorized volunteer
25 personnel, mentors of certified or licensed staff, or student
26 teachers at the time of the incident from which a claim arises.

1 No agent may be afforded indemnification or protection unless
2 he or she was a member of an Independent Authority, an employee
3 of an Independent Authority, an authorized volunteer, a mentor
4 of certified or licensed staff, or a student teacher at the
5 time of the incident from which the claim arises.

6 (n) The State Board may adopt rules as may be necessary for
7 the administration of this Section.

8 (Source: P.A. 98-1155, eff. 1-9-15.)

9 (105 ILCS 5/2-3.130)

10 Sec. 2-3.130. Isolated time out, time out, and physical
11 restraint rules; grant program; third-party assistance; goals
12 and plans.

13 (a) For purposes of this Section, "isolated time out",
14 "physical restraint", and "time out" have the meanings given
15 to those terms under Section 10-20.33.

16 (b) The State Board of Education shall promulgate rules
17 governing the use of isolated time out, time out, and physical
18 restraint in special education nonpublic facilities and the
19 public schools. The rules shall include provisions governing
20 the documentation and reporting that is required each time
21 these interventions are used.

22 The rules adopted by the State Board shall include a
23 procedure by which a person who believes a violation of
24 Section 10-20.33 or 34-18.20 has occurred may file a
25 complaint. The rules adopted by the State Board shall include

1 training requirements that must be included in training
2 programs used to train and certify school personnel.

3 The State Board shall establish procedures for progressive
4 enforcement actions to ensure that schools fully comply with
5 the documentation and reporting requirements for isolated time
6 out, time out, and physical restraint established by rule,
7 which shall include meaningful and appropriate sanctions for
8 the failure to comply, including the failure to report to the
9 parent or guardian and to the State Board, the failure to
10 timely report, and the failure to provide detailed
11 documentation.

12 (c) Subject to appropriation, the State Board shall, by
13 adoption of emergency rules under subsection (rr) of Section
14 5-45 of the Illinois Administrative Procedure Act if it so
15 chooses, create a grant program for school districts, special
16 education nonpublic facilities approved under Section 14-7.02
17 of this Code, and special education cooperatives to implement
18 school-wide, culturally sensitive, and trauma-informed
19 practices, positive behavioral interventions and supports, and
20 restorative practices within a multi-tiered system of support
21 aimed at reducing the need for interventions, such as isolated
22 time out, time out, and physical restraint. The State Board
23 shall give priority in grant funding to those school
24 districts, special education nonpublic facilities approved
25 under Section 14-7.02 of this Code, and special education
26 cooperatives that submit a plan to achieve a significant

1 reduction or elimination in the use of isolated time out and
2 physical restraint in less than 3 years.

3 (d) Subject to the Illinois Procurement Code, the Illinois
4 School Student Records Act, the Mental Health and
5 Developmental Disabilities Confidentiality Act, and the
6 federal Family Educational Rights and Privacy Act of 1974, the
7 State Board may contract with a third party to provide
8 assistance with the oversight and monitoring of the use of
9 isolated time out, time out, and physical restraint by school
10 districts.

11 (e) For the purpose of this subsection and subsection (f),
12 "entity" means a school district, a special education
13 nonpublic school approved under Section 14-7.02 of this Code
14 and located in this State, or a special education cooperative
15 to the extent the cooperative operates separate schools or
16 programs within schools.

17 The State Board shall establish goals within 90 days after
18 the effective date of this amendatory Act of the 102nd General
19 Assembly, with specific benchmarks, for entities ~~schools~~ to
20 accomplish the systemic reduction of isolated time out, time
21 out, and physical restraint within 3 years after the effective
22 date of this amendatory Act of the 102nd General Assembly. The
23 State Board shall engage in meaningful consultation with
24 stakeholders to establish the goals, including in the review
25 and evaluation of the data submitted. The State Board shall
26 also consult stakeholders in efforts to develop strategies to

1 measure and reduce racial and ethnic disparities in the use of
2 isolated time out, time out, and physical restraint. Each
3 entity ~~school board~~ shall create a time out and physical
4 restraint oversight team that includes, but is not limited to,
5 teachers, paraprofessionals, school service personnel, and
6 administrators to develop (i) an entity-specific ~~a~~
7 ~~school-specific~~ plan for reducing and eventually eliminating
8 the use of isolated time out, time out, and physical restraint
9 in accordance with the goals and benchmarks established by the
10 State Board and (ii) procedures to implement the plan
11 developed by the team.

12 The progress toward the reduction and eventual elimination
13 of the use of isolated time out and physical restraint shall be
14 measured by the reduction in the overall number of incidents
15 of those interventions and the total number of students
16 subjected to those interventions. In limited cases, upon
17 written application made by an entity ~~a school district~~ and
18 approved by the State Board based on criteria developed by the
19 State Board to show good cause, the reduction in the use of
20 those interventions may be measured by the frequency of the
21 use of those interventions on individual students and the
22 student population as a whole. The State Board shall specify a
23 date for submission of the plans. Entities ~~School districts~~
24 shall submit a report once each year for 3 years after the
25 effective date of this amendatory Act of the 102nd General
26 Assembly to the State Board on the progress made toward

1 achieving the goals and benchmarks established by the State
2 Board and modify their plans as necessary to satisfy those
3 goals and benchmarks. Entities ~~School districts~~ shall notify
4 parents and guardians that the plans and reports are available
5 for review. On or before June 30, 2023, the State Board shall
6 issue a report to the General Assembly on the progress made by
7 entities ~~schools~~ to achieve those goals and benchmarks. The
8 required plans shall include, but not be limited to, the
9 specific actions that are to be taken to:

10 (1) reduce and eventually eliminate a reliance on
11 isolated time out, time out, and physical restraint for
12 behavioral interventions and develop noncoercive
13 environments;

14 (2) develop individualized student plans that are
15 oriented toward prevention of the use of isolated time
16 out, time out, and physical restraint with the intent that
17 a plan be separate and apart from a student's
18 individualized education program or a student's plan for
19 services under Section 504 of the federal Rehabilitation
20 Act of 1973;

21 (3) ensure that appropriate ~~school~~ personnel are fully
22 informed of the student's history, including any history
23 of physical or sexual abuse, and other relevant medical
24 and mental health information, except that any disclosure
25 of student information must be consistent with federal and
26 State laws and rules governing student confidentiality and

1 privacy rights; and

2 (4) support a vision for cultural change that
3 reinforces the following:

4 (A) positive behavioral interventions and support
5 rather than isolated time out, time out, and physical
6 restraint;

7 (B) effective ways to de-escalate situations to
8 avoid isolated time out, time out, and physical
9 restraint;

10 (C) crisis intervention techniques that use
11 alternatives to isolated time out, time out, and
12 physical restraint; and

13 (D) use of debriefing meetings to reassess what
14 occurred and why it occurred and to think through ways
15 to prevent use of the intervention the next time.

16 (f) An entity, as defined in subsection (e), ~~A school~~ is
17 exempt from the requirement to submit a plan and the annual
18 reports under subsection (e) if the entity ~~school~~ is able to
19 demonstrate to the satisfaction of the State Board that (i)
20 within the previous 3 years, the entity ~~school-district~~ has
21 never engaged in the use of isolated time out, time out, or
22 physical restraint and (ii) the entity ~~school~~ has adopted a
23 written policy that prohibits the use isolated time out, time
24 out, and physical restraint on a student and is able to
25 demonstrate the enforcement of that policy.

26 (g) The State Board shall establish a system of ongoing

1 review, auditing, and monitoring to ensure that entities
2 ~~schools~~ comply with the documentation and reporting
3 requirements and meet the State Board's established goals and
4 benchmarks for reducing and eventually eliminating the use of
5 isolated time out, time out, and physical restraint.

6 (Source: P.A. 102-339, eff. 8-13-21.)

7 (105 ILCS 5/2-3.195)

8 Sec. 2-3.195. Direct support professional training
9 program. Beginning with the 2025-2026 school year and
10 continuing for not less than 2 years, the State Board of
11 Education shall make available a model program of study that
12 incorporates the training and experience necessary to serve as
13 a direct support professional. By July 1, 2023, the Department
14 of Human Services ~~State Board~~ shall submit recommendations
15 developed in consultation with stakeholders, including, but
16 not limited to, organizations representing community-based
17 providers serving children and adults with intellectual or
18 developmental disabilities, and education practitioners,
19 including, but not limited to, teachers, administrators,
20 special education directors, and regional superintendents of
21 schools, to the State Board ~~Department of Human Services~~ for
22 the training that would be required in order to ~~be~~ complete the
23 model program of study.

24 (Source: P.A. 102-874, eff. 1-1-23; revised 12-16-22.)

1 (105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)

2 Sec. 10-22.21b. Administering medication.

3 (a) In this Section, "asthma action plan" has the meaning
4 given to that term under Section 22-30.

5 (b) To provide for the administration of medication to
6 students. It shall be the policy of the State of Illinois that
7 the administration of medication to students during regular
8 school hours and during school-related activities should be
9 discouraged unless absolutely necessary for the critical
10 health and well-being of the student. Under no circumstances
11 shall teachers or other non-administrative school employees,
12 except certified school nurses and non-certificated registered
13 professional nurses, be required to administer medication to
14 students. This Section shall not prohibit a school district
15 from adopting guidelines for self-administration of medication
16 by students that are consistent with this Section and this
17 Code. This Section shall not prohibit any school employee from
18 providing emergency assistance to students.

19 (c) Notwithstanding any other provision of law, a school
20 district must allow any student with an asthma action plan, an
21 Individual Health Care Action Plan, an allergy emergency
22 action plan ~~Illinois Food Allergy Emergency Action Plan and~~
23 ~~Treatment Authorization Form~~, a plan pursuant to Section 504
24 of the federal Rehabilitation Act of 1973, or a plan pursuant
25 to the federal Individuals with Disabilities Education Act to
26 self-administer any medication required under those plans if

1 the student's parent or guardian provides the school district
2 with (i) written permission for the student's
3 self-administration of medication and (ii) written
4 authorization from the student's physician, physician
5 assistant, or advanced practice registered nurse for the
6 student to self-administer the medication. A parent or
7 guardian must also provide to the school district the
8 prescription label for the medication, which must contain the
9 name of the medication, the prescribed dosage, and the time or
10 times at which or the circumstances under which the medication
11 is to be administered. Information received by a school
12 district under this subsection shall be kept on file in the
13 office of the school nurse or, in the absence of a school
14 nurse, the school's administrator.

15 (d) Each school district must adopt an emergency action
16 plan for a student who self-administers medication under
17 subsection (c). The plan must include both of the following:

18 (1) A plan of action in the event a student is unable
19 to self-administer medication.

20 (2) The situations in which a school must call 9-1-1.

21 (e) A school district and its employees and agents shall
22 incur no liability, except for willful and wanton conduct, as
23 a result of any injury arising from the self-administration of
24 medication by a student under subsection (c). The student's
25 parent or guardian must sign a statement to this effect, which
26 must acknowledge that the parent or guardian must indemnify

1 and hold harmless the school district and its employees and
2 agents against any claims, except a claim based on willful and
3 wanton conduct, arising out of the self-administration of
4 medication by a student.

5 (Source: P.A. 101-205, eff. 1-1-20.)

6 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

7 Sec. 14-7.02. Children attending private schools, public
8 out-of-state schools, public school residential facilities or
9 private special education facilities.

10 (a) The General Assembly recognizes that non-public
11 schools or special education facilities provide an important
12 service in the educational system in Illinois.

13 (b) If a student's individualized education program (IEP)
14 team determines that because of his or her disability the
15 special education program of a district is unable to meet the
16 needs of the child and the child attends a non-public school or
17 special education facility, a public out-of-state school or a
18 special education facility owned and operated by a county
19 government unit that provides special educational services
20 required by the child and is in compliance with the
21 appropriate rules and regulations of the State Superintendent
22 of Education, the school district in which the child is a
23 resident shall pay the actual cost of tuition for special
24 education and related services provided during the regular
25 school term and during the summer school term if the child's

1 educational needs so require, excluding room, board and
2 transportation costs charged the child by that non-public
3 school or special education facility, public out-of-state
4 school or county special education facility, or \$4,500 per
5 year, whichever is less, and shall provide him any necessary
6 transportation. "Nonpublic special education facility" shall
7 include a residential facility, within or without the State of
8 Illinois, which provides special education and related
9 services to meet the needs of the child by utilizing private
10 schools or public schools, whether located on the site or off
11 the site of the residential facility. Resident district
12 financial responsibility and reimbursement applies for both
13 nonpublic special education facilities that are approved by
14 the State Board of Education pursuant to 23 Ill. Adm. Code 401
15 or other applicable laws or rules and for emergency
16 residential placements in nonpublic special education
17 facilities that are not approved by the State Board of
18 Education pursuant to 23 Ill. Adm. Code 401 or other
19 applicable laws or rules, subject to the requirements of this
20 Section.

21 (c) Prior to the placement of a child in an out-of-state
22 special education residential facility, the school district
23 must refer to the child or the child's parent or guardian the
24 option to place the child in a special education residential
25 facility located within this State, if any, that provides
26 treatment and services comparable to those provided by the

1 out-of-state special education residential facility. The
2 school district must review annually the placement of a child
3 in an out-of-state special education residential facility. As
4 a part of the review, the school district must refer to the
5 child or the child's parent or guardian the option to place the
6 child in a comparable special education residential facility
7 located within this State, if any.

8 (d) Payments shall be made by the resident school district
9 to the entity providing the educational services, whether the
10 entity is the nonpublic special education facility or the
11 school district wherein the facility is located, no less than
12 once per quarter, unless otherwise agreed to in writing by the
13 parties.

14 (e) A school district may residentially place a student in
15 a nonpublic special education facility providing educational
16 services, but not approved by the State Board of Education
17 pursuant to 23 Ill. Adm. Code 401 or other applicable laws or
18 rules, provided that the State Board of Education provides an
19 emergency and student-specific approval for residential
20 placement. The State Board of Education shall promptly, within
21 10 days after the request, approve a request for emergency and
22 student-specific approval for residential placement if the
23 following have been demonstrated to the State Board of
24 Education:

- 25 (1) the facility demonstrates appropriate licensure of
26 teachers for the student population;

1 (2) the facility demonstrates age-appropriate
2 curriculum;

3 (3) the facility provides enrollment and attendance
4 data;

5 (4) the facility demonstrates the ability to implement
6 the child's IEP; and

7 (5) the school district demonstrates that it made good
8 faith efforts to residentially place the student in an
9 approved facility, but no approved facility has accepted
10 the student or has availability for immediate residential
11 placement of the student.

12 A resident school district may also submit such proof to the
13 State Board of Education as may be required for its student.
14 The State Board of Education may not unreasonably withhold
15 approval once satisfactory proof is provided to the State
16 Board.

17 (f) If an impartial due process hearing officer who is
18 contracted by the State Board of Education pursuant to this
19 Article orders placement of a student with a disability in a
20 residential facility that is not approved by the State Board
21 of Education, then, for purposes of this Section, the facility
22 shall be deemed approved for placement and school district
23 payments and State reimbursements shall be made accordingly.

24 (g) Emergency residential placement in a facility approved
25 pursuant to subsection (e) or (f) may continue to be utilized
26 so long as (i) the student's IEP team determines annually that

1 such placement continues to be appropriate to meet the
2 student's needs and (ii) at least every 3 years following the
3 student's residential placement, the IEP team reviews
4 appropriate placements approved by the State Board of
5 Education pursuant to 23 Ill. Adm. Code 401 or other
6 applicable laws or rules to determine whether there are any
7 approved placements that can meet the student's needs, have
8 accepted the student, and have availability for placement of
9 the student.

10 (h) The State Board of Education shall promulgate rules
11 and regulations for determining when placement in a private
12 special education facility is appropriate. Such rules and
13 regulations shall take into account the various types of
14 services needed by a child and the availability of such
15 services to the particular child in the public school. In
16 developing these rules and regulations the State Board of
17 Education shall consult with the Advisory Council on Education
18 of Children with Disabilities and hold public hearings to
19 secure recommendations from parents, school personnel, and
20 others concerned about this matter.

21 The State Board of Education shall also promulgate rules
22 and regulations for transportation to and from a residential
23 school. Transportation to and from home to a residential
24 school more than once each school term shall be subject to
25 prior approval by the State Superintendent in accordance with
26 the rules and regulations of the State Board.

1 (i) A school district making tuition payments pursuant to
2 this Section is eligible for reimbursement from the State for
3 the amount of such payments actually made in excess of the
4 district per capita tuition charge for students not receiving
5 special education services. Such reimbursement shall be
6 approved in accordance with Section 14-12.01 and each district
7 shall file its claims, computed in accordance with rules
8 prescribed by the State Board of Education, on forms
9 prescribed by the State Superintendent of Education. Data used
10 as a basis of reimbursement claims shall be for the preceding
11 regular school term and summer school term. Each school
12 district shall transmit its claims to the State Board of
13 Education on or before August 15. The State Board of
14 Education, before approving any such claims, shall determine
15 their accuracy and whether they are based upon services and
16 facilities provided under approved programs. Upon approval the
17 State Board shall cause vouchers to be prepared showing the
18 amount due for payment of reimbursement claims to school
19 districts, for transmittal to the State Comptroller on the
20 30th day of September, December, and March, respectively, and
21 the final voucher, no later than June 20. If the money
22 appropriated by the General Assembly for such purpose for any
23 year is insufficient, it shall be apportioned on the basis of
24 the claims approved.

25 (j) No child shall be placed in a special education
26 program pursuant to this Section if the tuition cost for

1 special education and related services increases more than 10
2 percent over the tuition cost for the previous school year or
3 exceeds \$4,500 per year unless such costs have been approved
4 by the Illinois Purchased Care Review Board. The Illinois
5 Purchased Care Review Board shall consist of the following
6 persons, or their designees: the Directors of Children and
7 Family Services, Public Health, Public Aid, and the Governor's
8 Office of Management and Budget; the Secretary of Human
9 Services; the State Superintendent of Education; and such
10 other persons as the Governor may designate. The Review Board
11 shall also consist of one non-voting member who is an
12 administrator of a private, nonpublic, special education
13 school. The Review Board shall establish rules and regulations
14 for its determination of allowable costs and payments made by
15 local school districts for special education, room and board,
16 and other related services provided by non-public schools or
17 special education facilities and shall establish uniform
18 standards and criteria which it shall follow. The Review Board
19 shall approve the usual and customary rate or rates of a
20 special education program that (i) is offered by an
21 out-of-state, non-public provider of integrated autism
22 specific educational and autism specific residential services,
23 (ii) offers 2 or more levels of residential care, including at
24 least one locked facility, and (iii) serves 12 or fewer
25 Illinois students.

26 (k) In determining rates based on allowable costs, the

1 Review Board shall consider any wage increases awarded by the
2 General Assembly to front line personnel defined as direct
3 support persons, aides, front-line supervisors, qualified
4 intellectual disabilities professionals, nurses, and
5 non-administrative support staff working in service settings
6 in community-based settings within the State and adjust
7 customary rates or rates of a special education program to be
8 equitable to the wage increase awarded to similar staff
9 positions in a community residential setting. Any wage
10 increase awarded by the General Assembly to front line
11 personnel defined as direct support persons, aides, front-line
12 supervisors, qualified intellectual disabilities
13 professionals, nurses, and non-administrative support staff
14 working in community-based settings within the State,
15 including the \$0.75 per hour increase contained in Public Act
16 100-23 and the \$0.50 per hour increase included in Public Act
17 100-23, shall also be a basis for any facility covered by this
18 Section to appeal its rate before the Review Board under the
19 process defined in Title 89, Part 900, Section 340 of the
20 Illinois Administrative Code. Illinois Administrative Code
21 Title 89, Part 900, Section 342 shall be updated to recognize
22 wage increases awarded to community-based settings to be a
23 basis for appeal. However, any wage increase that is captured
24 upon appeal from a previous year shall not be counted by the
25 Review Board as revenue for the purpose of calculating a
26 facility's future rate.

1 (1) Any definition used by the Review Board in
2 administrative rule or policy to define "related
3 organizations" shall include any and all exceptions contained
4 in federal law or regulation as it pertains to the federal
5 definition of "related organizations".

6 (m) The Review Board shall establish uniform definitions
7 and criteria for accounting separately by special education,
8 room and board and other related services costs. The Board
9 shall also establish guidelines for the coordination of
10 services and financial assistance provided by all State
11 agencies to assure that no otherwise qualified child with a
12 disability receiving services under Article 14 shall be
13 excluded from participation in, be denied the benefits of or
14 be subjected to discrimination under any program or activity
15 provided by any State agency.

16 (n) The Review Board shall review the costs for special
17 education and related services provided by non-public schools
18 or special education facilities and shall approve or
19 disapprove such facilities in accordance with the rules and
20 regulations established by it with respect to allowable costs.

21 (o) The State Board of Education shall provide
22 administrative and staff support for the Review Board as
23 deemed reasonable by the State Superintendent of Education.
24 This support shall not include travel expenses or other
25 compensation for any Review Board member other than the State
26 Superintendent of Education.

1 (p) The Review Board shall seek the advice of the Advisory
2 Council on Education of Children with Disabilities on the
3 rules and regulations to be promulgated by it relative to
4 providing special education services.

5 (q) If a child has been placed in a program in which the
6 actual per pupil costs of tuition for special education and
7 related services based on program enrollment, excluding room,
8 board and transportation costs, exceed \$4,500 and such costs
9 have been approved by the Review Board, the district shall pay
10 such total costs which exceed \$4,500. A district making such
11 tuition payments in excess of \$4,500 pursuant to this Section
12 shall be responsible for an amount in excess of \$4,500 equal to
13 the district per capita tuition charge and shall be eligible
14 for reimbursement from the State for the amount of such
15 payments actually made in excess of the districts per capita
16 tuition charge for students not receiving special education
17 services.

18 (r) If a child has been placed in an approved individual
19 program and the tuition costs including room and board costs
20 have been approved by the Review Board, then such room and
21 board costs shall be paid by the appropriate State agency
22 subject to the provisions of Section 14-8.01 of this Act. Room
23 and board costs not provided by a State agency other than the
24 State Board of Education shall be provided by the State Board
25 of Education on a current basis. In no event, however, shall
26 the State's liability for funding of these tuition costs begin

1 until after the legal obligations of third party payors have
2 been subtracted from such costs. If the money appropriated by
3 the General Assembly for such purpose for any year is
4 insufficient, it shall be apportioned on the basis of the
5 claims approved. Each district shall submit estimated claims
6 to the State Superintendent of Education. Upon approval of
7 such claims, the State Superintendent of Education shall
8 direct the State Comptroller to make payments on a monthly
9 basis. The frequency for submitting estimated claims and the
10 method of determining payment shall be prescribed in rules and
11 regulations adopted by the State Board of Education. Such
12 current state reimbursement shall be reduced by an amount
13 equal to the proceeds which the child or child's parents are
14 eligible to receive under any public or private insurance or
15 assistance program. Nothing in this Section shall be construed
16 as relieving an insurer or similar third party from an
17 otherwise valid obligation to provide or to pay for services
18 provided to a child with a disability.

19 (s) If it otherwise qualifies, a school district is
20 eligible for the transportation reimbursement under Section
21 14-13.01 and for the reimbursement of tuition payments under
22 this Section whether the non-public school or special
23 education facility, public out-of-state school or county
24 special education facility, attended by a child who resides in
25 that district and requires special educational services, is
26 within or outside of the State of Illinois. However, a

1 district is not eligible to claim transportation reimbursement
2 under this Section unless the district certifies to the State
3 Superintendent of Education that the district is unable to
4 provide special educational services required by the child for
5 the current school year.

6 (t) Nothing in this Section authorizes the reimbursement
7 of a school district for the amount paid for tuition of a child
8 attending a non-public school or special education facility,
9 public out-of-state school or county special education
10 facility unless the school district certifies to the State
11 Superintendent of Education that the special education program
12 of that district is unable to meet the needs of that child
13 because of his disability and the State Superintendent of
14 Education finds that the school district is in substantial
15 compliance with Section 14-4.01. However, if a child is
16 unilaterally placed by a State agency or any court in a
17 non-public school or special education facility, public
18 out-of-state school, or county special education facility, a
19 school district shall not be required to certify to the State
20 Superintendent of Education, for the purpose of tuition
21 reimbursement, that the special education program of that
22 district is unable to meet the needs of a child because of his
23 or her disability.

24 (u) Any educational or related services provided, pursuant
25 to this Section in a non-public school or special education
26 facility or a special education facility owned and operated by

1 a county government unit shall be at no cost to the parent or
2 guardian of the child. However, current law and practices
3 relative to contributions by parents or guardians for costs
4 other than educational or related services are not affected by
5 this amendatory Act of 1978.

6 (v) Reimbursement for children attending public school
7 residential facilities shall be made in accordance with the
8 provisions of this Section.

9 (w) Notwithstanding any other provision of law, any school
10 district receiving a payment under this Section or under
11 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify
12 all or a portion of the funds that it receives in a particular
13 fiscal year or from general State aid pursuant to Section
14 18-8.05 of this Code as funds received in connection with any
15 funding program for which it is entitled to receive funds from
16 the State in that fiscal year (including, without limitation,
17 any funding program referenced in this Section), regardless of
18 the source or timing of the receipt. The district may not
19 classify more funds as funds received in connection with the
20 funding program than the district is entitled to receive in
21 that fiscal year for that program. Any classification by a
22 district must be made by a resolution of its board of
23 education. The resolution must identify the amount of any
24 payments or general State aid to be classified under this
25 paragraph and must specify the funding program to which the
26 funds are to be treated as received in connection therewith.

1 This resolution is controlling as to the classification of
2 funds referenced therein. A certified copy of the resolution
3 must be sent to the State Superintendent of Education. The
4 resolution shall still take effect even though a copy of the
5 resolution has not been sent to the State Superintendent of
6 Education in a timely manner. No classification under this
7 paragraph by a district shall affect the total amount or
8 timing of money the district is entitled to receive under this
9 Code. No classification under this paragraph by a district
10 shall in any way relieve the district from or affect any
11 requirements that otherwise would apply with respect to that
12 funding program, including any accounting of funds by source,
13 reporting expenditures by original source and purpose,
14 reporting requirements, or requirements of providing services.
15 (Source: P.A. 101-10, eff. 6-5-19; 102-254, eff. 8-6-21;
16 102-703, eff. 4-22-22.)

17 (105 ILCS 5/18-8.15)

18 Sec. 18-8.15. Evidence-Based Funding for student success
19 for the 2017-2018 and subsequent school years.

20 (a) General provisions.

21 (1) The purpose of this Section is to ensure that, by
22 June 30, 2027 and beyond, this State has a kindergarten
23 through grade 12 public education system with the capacity
24 to ensure the educational development of all persons to
25 the limits of their capacities in accordance with Section

1 1 of Article X of the Constitution of the State of
2 Illinois. To accomplish that objective, this Section
3 creates a method of funding public education that is
4 evidence-based; is sufficient to ensure every student
5 receives a meaningful opportunity to learn irrespective of
6 race, ethnicity, sexual orientation, gender, or
7 community-income level; and is sustainable and
8 predictable. When fully funded under this Section, every
9 school shall have the resources, based on what the
10 evidence indicates is needed, to:

11 (A) provide all students with a high quality
12 education that offers the academic, enrichment, social
13 and emotional support, technical, and career-focused
14 programs that will allow them to become competitive
15 workers, responsible parents, productive citizens of
16 this State, and active members of our national
17 democracy;

18 (B) ensure all students receive the education they
19 need to graduate from high school with the skills
20 required to pursue post-secondary education and
21 training for a rewarding career;

22 (C) reduce, with a goal of eliminating, the
23 achievement gap between at-risk and non-at-risk
24 students by raising the performance of at-risk
25 students and not by reducing standards; and

26 (D) ensure this State satisfies its obligation to

1 assume the primary responsibility to fund public
2 education and simultaneously relieve the
3 disproportionate burden placed on local property taxes
4 to fund schools.

5 (2) The Evidence-Based Funding formula under this
6 Section shall be applied to all Organizational Units in
7 this State. The Evidence-Based Funding formula outlined in
8 this Act is based on the formula outlined in Senate Bill 1
9 of the 100th General Assembly, as passed by both
10 legislative chambers. As further defined and described in
11 this Section, there are 4 major components of the
12 Evidence-Based Funding model:

13 (A) First, the model calculates a unique Adequacy
14 Target for each Organizational Unit in this State that
15 considers the costs to implement research-based
16 activities, the unit's student demographics, and
17 regional wage differences.

18 (B) Second, the model calculates each
19 Organizational Unit's Local Capacity, or the amount
20 each Organizational Unit is assumed to contribute
21 toward its Adequacy Target from local resources.

22 (C) Third, the model calculates how much funding
23 the State currently contributes to the Organizational
24 Unit and adds that to the unit's Local Capacity to
25 determine the unit's overall current adequacy of
26 funding.

1 (D) Finally, the model's distribution method
2 allocates new State funding to those Organizational
3 Units that are least well-funded, considering both
4 Local Capacity and State funding, in relation to their
5 Adequacy Target.

6 (3) An Organizational Unit receiving any funding under
7 this Section may apply those funds to any fund so received
8 for which that Organizational Unit is authorized to make
9 expenditures by law.

10 (4) As used in this Section, the following terms shall
11 have the meanings ascribed in this paragraph (4):

12 "Adequacy Target" is defined in paragraph (1) of
13 subsection (b) of this Section.

14 "Adjusted EAV" is defined in paragraph (4) of
15 subsection (d) of this Section.

16 "Adjusted Local Capacity Target" is defined in
17 paragraph (3) of subsection (c) of this Section.

18 "Adjusted Operating Tax Rate" means a tax rate for all
19 Organizational Units, for which the State Superintendent
20 shall calculate and subtract for the Operating Tax Rate a
21 transportation rate based on total expenses for
22 transportation services under this Code, as reported on
23 the most recent Annual Financial Report in Pupil
24 Transportation Services, function 2550 in both the
25 Education and Transportation funds and functions 4110 and
26 4120 in the Transportation fund, less any corresponding

1 fiscal year State of Illinois scheduled payments excluding
2 net adjustments for prior years for regular, vocational,
3 or special education transportation reimbursement pursuant
4 to Section 29-5 or subsection (b) of Section 14-13.01 of
5 this Code divided by the Adjusted EAV. If an
6 Organizational Unit's corresponding fiscal year State of
7 Illinois scheduled payments excluding net adjustments for
8 prior years for regular, vocational, or special education
9 transportation reimbursement pursuant to Section 29-5 or
10 subsection (b) of Section 14-13.01 of this Code exceed the
11 total transportation expenses, as defined in this
12 paragraph, no transportation rate shall be subtracted from
13 the Operating Tax Rate.

14 "Allocation Rate" is defined in paragraph (3) of
15 subsection (g) of this Section.

16 "Alternative School" means a public school that is
17 created and operated by a regional superintendent of
18 schools and approved by the State Board.

19 "Applicable Tax Rate" is defined in paragraph (1) of
20 subsection (d) of this Section.

21 "Assessment" means any of those benchmark, progress
22 monitoring, formative, diagnostic, and other assessments,
23 in addition to the State accountability assessment, that
24 assist teachers' needs in understanding the skills and
25 meeting the needs of the students they serve.

26 "Assistant principal" means a school administrator

1 duly endorsed to be employed as an assistant principal in
2 this State.

3 "At-risk student" means a student who is at risk of
4 not meeting the Illinois Learning Standards or not
5 graduating from elementary or high school and who
6 demonstrates a need for vocational support or social
7 services beyond that provided by the regular school
8 program. All students included in an Organizational Unit's
9 Low-Income Count, as well as all English learner and
10 disabled students attending the Organizational Unit, shall
11 be considered at-risk students under this Section.

12 "Average Student Enrollment" or "ASE" for fiscal year
13 2018 means, for an Organizational Unit, the greater of the
14 average number of students (grades K through 12) reported
15 to the State Board as enrolled in the Organizational Unit
16 on October 1 in the immediately preceding school year,
17 plus the pre-kindergarten students who receive special
18 education services of 2 or more hours a day as reported to
19 the State Board on December 1 in the immediately preceding
20 school year, or the average number of students (grades K
21 through 12) reported to the State Board as enrolled in the
22 Organizational Unit on October 1, plus the
23 pre-kindergarten students who receive special education
24 services of 2 or more hours a day as reported to the State
25 Board on December 1, for each of the immediately preceding
26 3 school years. For fiscal year 2019 and each subsequent

1 fiscal year, "Average Student Enrollment" or "ASE" means,
2 for an Organizational Unit, the greater of the average
3 number of students (grades K through 12) reported to the
4 State Board as enrolled in the Organizational Unit on
5 October 1 and March 1 in the immediately preceding school
6 year, plus the pre-kindergarten students who receive
7 special education services as reported to the State Board
8 on October 1 and March 1 in the immediately preceding
9 school year, or the average number of students (grades K
10 through 12) reported to the State Board as enrolled in the
11 Organizational Unit on October 1 and March 1, plus the
12 pre-kindergarten students who receive special education
13 services as reported to the State Board on October 1 and
14 March 1, for each of the immediately preceding 3 school
15 years. For the purposes of this definition, "enrolled in
16 the Organizational Unit" means the number of students
17 reported to the State Board who are enrolled in schools
18 within the Organizational Unit that the student attends or
19 would attend if not placed or transferred to another
20 school or program to receive needed services. For the
21 purposes of calculating "ASE", all students, grades K
22 through 12, excluding those attending kindergarten for a
23 half day and students attending an alternative education
24 program operated by a regional office of education or
25 intermediate service center, shall be counted as 1.0. All
26 students attending kindergarten for a half day shall be

1 counted as 0.5, unless in 2017 by June 15 or by March 1 in
2 subsequent years, the school district reports to the State
3 Board of Education the intent to implement full-day
4 kindergarten district-wide for all students, then all
5 students attending kindergarten shall be counted as 1.0.
6 Special education pre-kindergarten students shall be
7 counted as 0.5 each. If the State Board does not collect or
8 has not collected both an October 1 and March 1 enrollment
9 count by grade or a December 1 collection of special
10 education pre-kindergarten students as of August 31, 2017
11 (the effective date of Public Act 100-465), it shall
12 establish such collection for all future years. For any
13 year in which a count by grade level was collected only
14 once, that count shall be used as the single count
15 available for computing a 3-year average ASE. Funding for
16 programs operated by a regional office of education or an
17 intermediate service center must be calculated using the
18 Evidence-Based Funding formula under this Section for the
19 2019-2020 school year and each subsequent school year
20 until separate adequacy formulas are developed and adopted
21 for each type of program. ASE for a program operated by a
22 regional office of education or an intermediate service
23 center must be determined by the March 1 enrollment for
24 the program. For the 2019-2020 school year, the ASE used
25 in the calculation must be the first-year ASE and, in that
26 year only, the assignment of students served by a regional

1 office of education or intermediate service center shall
2 not result in a reduction of the March enrollment for any
3 school district. For the 2020-2021 school year, the ASE
4 must be the greater of the current-year ASE or the 2-year
5 average ASE. Beginning with the 2021-2022 school year, the
6 ASE must be the greater of the current-year ASE or the
7 3-year average ASE. School districts shall submit the data
8 for the ASE calculation to the State Board within 45 days
9 of the dates required in this Section for submission of
10 enrollment data in order for it to be included in the ASE
11 calculation. For fiscal year 2018 only, the ASE
12 calculation shall include only enrollment taken on October
13 1. In recognition of the impact of COVID-19, the
14 definition of "Average Student Enrollment" or "ASE" shall
15 be adjusted for calculations under this Section for fiscal
16 years 2022 through 2024. For fiscal years 2022 through
17 2024, the enrollment used in the calculation of ASE
18 representing the 2020-2021 school year shall be the
19 greater of the enrollment for the 2020-2021 school year or
20 the 2019-2020 school year.

21 "Base Funding Guarantee" is defined in paragraph (10)
22 of subsection (g) of this Section.

23 "Base Funding Minimum" is defined in subsection (e) of
24 this Section.

25 "Base Tax Year" means the property tax levy year used
26 to calculate the Budget Year allocation of primary State

1 aid.

2 "Base Tax Year's Extension" means the product of the
3 equalized assessed valuation utilized by the county clerk
4 in the Base Tax Year multiplied by the limiting rate as
5 calculated by the county clerk and defined in PTELL.

6 "Bilingual Education Allocation" means the amount of
7 an Organizational Unit's final Adequacy Target
8 attributable to bilingual education divided by the
9 Organizational Unit's final Adequacy Target, the product
10 of which shall be multiplied by the amount of new funding
11 received pursuant to this Section. An Organizational
12 Unit's final Adequacy Target attributable to bilingual
13 education shall include all additional investments in
14 English learner students' adequacy elements.

15 "Budget Year" means the school year for which primary
16 State aid is calculated and awarded under this Section.

17 "Central office" means individual administrators and
18 support service personnel charged with managing the
19 instructional programs, business and operations, and
20 security of the Organizational Unit.

21 "Comparable Wage Index" or "CWI" means a regional cost
22 differentiation metric that measures systemic, regional
23 variations in the salaries of college graduates who are
24 not educators. The CWI utilized for this Section shall,
25 for the first 3 years of Evidence-Based Funding
26 implementation, be the CWI initially developed by the

1 National Center for Education Statistics, as most recently
2 updated by Texas A & M University. In the fourth and
3 subsequent years of Evidence-Based Funding implementation,
4 the State Superintendent shall re-determine the CWI using
5 a similar methodology to that identified in the Texas A & M
6 University study, with adjustments made no less frequently
7 than once every 5 years.

8 "Computer technology and equipment" means computers
9 servers, notebooks, network equipment, copiers, printers,
10 instructional software, security software, curriculum
11 management courseware, and other similar materials and
12 equipment.

13 "Computer technology and equipment investment
14 allocation" means the final Adequacy Target amount of an
15 Organizational Unit assigned to Tier 1 or Tier 2 in the
16 prior school year attributable to the additional \$285.50
17 per student computer technology and equipment investment
18 grant divided by the Organizational Unit's final Adequacy
19 Target, the result of which shall be multiplied by the
20 amount of new funding received pursuant to this Section.
21 An Organizational Unit assigned to a Tier 1 or Tier 2 final
22 Adequacy Target attributable to the received computer
23 technology and equipment investment grant shall include
24 all additional investments in computer technology and
25 equipment adequacy elements.

26 "Core subject" means mathematics; science; reading,

1 English, writing, and language arts; history and social
2 studies; world languages; and subjects taught as Advanced
3 Placement in high schools.

4 "Core teacher" means a regular classroom teacher in
5 elementary schools and teachers of a core subject in
6 middle and high schools.

7 "Core Intervention teacher (tutor)" means a licensed
8 teacher providing one-on-one or small group tutoring to
9 students struggling to meet proficiency in core subjects.

10 "CPPRT" means corporate personal property replacement
11 tax funds paid to an Organizational Unit during the
12 calendar year one year before the calendar year in which a
13 school year begins, pursuant to "An Act in relation to the
14 abolition of ad valorem personal property tax and the
15 replacement of revenues lost thereby, and amending and
16 repealing certain Acts and parts of Acts in connection
17 therewith", certified August 14, 1979, as amended (Public
18 Act 81-1st S.S.-1).

19 "EAV" means equalized assessed valuation as defined in
20 paragraph (2) of subsection (d) of this Section and
21 calculated in accordance with paragraph (3) of subsection
22 (d) of this Section.

23 "ECI" means the Bureau of Labor Statistics' national
24 employment cost index for civilian workers in educational
25 services in elementary and secondary schools on a
26 cumulative basis for the 12-month calendar year preceding

1 the fiscal year of the Evidence-Based Funding calculation.

2 "EIS Data" means the employment information system
3 data maintained by the State Board on educators within
4 Organizational Units.

5 "Employee benefits" means health, dental, and vision
6 insurance offered to employees of an Organizational Unit,
7 the costs associated with the statutorily required payment
8 of the normal cost of the Organizational Unit's teacher
9 pensions, Social Security employer contributions, and
10 Illinois Municipal Retirement Fund employer contributions.

11 "English learner" or "EL" means a child included in
12 the definition of "English learners" under Section 14C-2
13 of this Code participating in a program of transitional
14 bilingual education or a transitional program of
15 instruction meeting the requirements and program
16 application procedures of Article 14C of this Code. For
17 the purposes of collecting the number of EL students
18 enrolled, the same collection and calculation methodology
19 as defined above for "ASE" shall apply to English
20 learners, with the exception that EL student enrollment
21 shall include students in grades pre-kindergarten through
22 12.

23 "Essential Elements" means those elements, resources,
24 and educational programs that have been identified through
25 academic research as necessary to improve student success,
26 improve academic performance, close achievement gaps, and

1 provide for other per student costs related to the
2 delivery and leadership of the Organizational Unit, as
3 well as the maintenance and operations of the unit, and
4 which are specified in paragraph (2) of subsection (b) of
5 this Section.

6 "Evidence-Based Funding" means State funding provided
7 to an Organizational Unit pursuant to this Section.

8 "Extended day" means academic and enrichment programs
9 provided to students outside the regular school day before
10 and after school or during non-instructional times during
11 the school day.

12 "Extension Limitation Ratio" means a numerical ratio
13 in which the numerator is the Base Tax Year's Extension
14 and the denominator is the Preceding Tax Year's Extension.

15 "Final Percent of Adequacy" is defined in paragraph
16 (4) of subsection (f) of this Section.

17 "Final Resources" is defined in paragraph (3) of
18 subsection (f) of this Section.

19 "Full-time equivalent" or "FTE" means the full-time
20 equivalency compensation for staffing the relevant
21 position at an Organizational Unit.

22 "Funding Gap" is defined in paragraph (1) of
23 subsection (g).

24 "Hybrid District" means a partial elementary unit
25 district created pursuant to Article 11E of this Code.

26 "Instructional assistant" means a core or special

1 education, non-licensed employee who assists a teacher in
2 the classroom and provides academic support to students.

3 "Instructional facilitator" means a qualified teacher
4 or licensed teacher leader who facilitates and coaches
5 continuous improvement in classroom instruction; provides
6 instructional support to teachers in the elements of
7 research-based instruction or demonstrates the alignment
8 of instruction with curriculum standards and assessment
9 tools; develops or coordinates instructional programs or
10 strategies; develops and implements training; chooses
11 standards-based instructional materials; provides
12 teachers with an understanding of current research; serves
13 as a mentor, site coach, curriculum specialist, or lead
14 teacher; or otherwise works with fellow teachers, in
15 collaboration, to use data to improve instructional
16 practice or develop model lessons.

17 "Instructional materials" means relevant
18 instructional materials for student instruction,
19 including, but not limited to, textbooks, consumable
20 workbooks, laboratory equipment, library books, and other
21 similar materials.

22 "Laboratory School" means a public school that is
23 created and operated by a public university and approved
24 by the State Board.

25 "Librarian" means a teacher with an endorsement as a
26 library information specialist or another individual whose

1 primary responsibility is overseeing library resources
2 within an Organizational Unit.

3 "Limiting rate for Hybrid Districts" means the
4 combined elementary school and high school limiting rates.

5 "Local Capacity" is defined in paragraph (1) of
6 subsection (c) of this Section.

7 "Local Capacity Percentage" is defined in subparagraph
8 (A) of paragraph (2) of subsection (c) of this Section.

9 "Local Capacity Ratio" is defined in subparagraph (B)
10 of paragraph (2) of subsection (c) of this Section.

11 "Local Capacity Target" is defined in paragraph (2) of
12 subsection (c) of this Section.

13 "Low-Income Count" means, for an Organizational Unit
14 in a fiscal year, the higher of the average number of
15 students for the prior school year or the immediately
16 preceding 3 school years who, as of July 1 of the
17 immediately preceding fiscal year (as determined by the
18 Department of Human Services), are eligible for at least
19 one of the following low-income programs: Medicaid, the
20 Children's Health Insurance Program, Temporary Assistance
21 for Needy Families (TANF), or the Supplemental Nutrition
22 Assistance Program, excluding pupils who are eligible for
23 services provided by the Department of Children and Family
24 Services. Until such time that grade level low-income
25 populations become available, grade level low-income
26 populations shall be determined by applying the low-income

1 percentage to total student enrollments by grade level.
2 The low-income percentage is determined by dividing the
3 Low-Income Count by the Average Student Enrollment. The
4 low-income percentage for programs operated by a regional
5 office of education or an intermediate service center must
6 be set to the weighted average of the low-income
7 percentages of all of the school districts in the service
8 region. The weighted low-income percentage is the result
9 of multiplying the low-income percentage of each school
10 district served by the regional office of education or
11 intermediate service center by each school district's
12 Average Student Enrollment, summarizing those products and
13 dividing the total by the total Average Student Enrollment
14 for the service region.

15 "Maintenance and operations" means custodial services,
16 facility and ground maintenance, facility operations,
17 facility security, routine facility repairs, and other
18 similar services and functions.

19 "Minimum Funding Level" is defined in paragraph (9) of
20 subsection (g) of this Section.

21 "New Property Tax Relief Pool Funds" means, for any
22 given fiscal year, all State funds appropriated under
23 Section 2-3.170 of this Code.

24 "New State Funds" means, for a given school year, all
25 State funds appropriated for Evidence-Based Funding in
26 excess of the amount needed to fund the Base Funding

1 Minimum for all Organizational Units in that school year.

2 "Nurse" means an individual licensed as a certified
3 school nurse, in accordance with the rules established for
4 nursing services by the State Board, who is an employee of
5 and is available to provide health care-related services
6 for students of an Organizational Unit.

7 "Operating Tax Rate" means the rate utilized in the
8 previous year to extend property taxes for all purposes,
9 except Bond and Interest, Summer School, Rent, Capital
10 Improvement, and Vocational Education Building purposes.
11 For Hybrid Districts, the Operating Tax Rate shall be the
12 combined elementary and high school rates utilized in the
13 previous year to extend property taxes for all purposes,
14 except Bond and Interest, Summer School, Rent, Capital
15 Improvement, and Vocational Education Building purposes.

16 "Organizational Unit" means a Laboratory School or any
17 public school district that is recognized as such by the
18 State Board and that contains elementary schools typically
19 serving kindergarten through 5th grades, middle schools
20 typically serving 6th through 8th grades, high schools
21 typically serving 9th through 12th grades, a program
22 established under Section 2-3.66 or 2-3.41, or a program
23 operated by a regional office of education or an
24 intermediate service center under Article 13A or 13B. The
25 General Assembly acknowledges that the actual grade levels
26 served by a particular Organizational Unit may vary

1 slightly from what is typical.

2 "Organizational Unit CWI" is determined by calculating
3 the CWI in the region and original county in which an
4 Organizational Unit's primary administrative office is
5 located as set forth in this paragraph, provided that if
6 the Organizational Unit CWI as calculated in accordance
7 with this paragraph is less than 0.9, the Organizational
8 Unit CWI shall be increased to 0.9. Each county's current
9 CWI value shall be adjusted based on the CWI value of that
10 county's neighboring Illinois counties, to create a
11 "weighted adjusted index value". This shall be calculated
12 by summing the CWI values of all of a county's adjacent
13 Illinois counties and dividing by the number of adjacent
14 Illinois counties, then taking the weighted value of the
15 original county's CWI value and the adjacent Illinois
16 county average. To calculate this weighted value, if the
17 number of adjacent Illinois counties is greater than 2,
18 the original county's CWI value will be weighted at 0.25
19 and the adjacent Illinois county average will be weighted
20 at 0.75. If the number of adjacent Illinois counties is 2,
21 the original county's CWI value will be weighted at 0.33
22 and the adjacent Illinois county average will be weighted
23 at 0.66. The greater of the county's current CWI value and
24 its weighted adjusted index value shall be used as the
25 Organizational Unit CWI.

26 "Preceding Tax Year" means the property tax levy year

1 immediately preceding the Base Tax Year.

2 "Preceding Tax Year's Extension" means the product of
3 the equalized assessed valuation utilized by the county
4 clerk in the Preceding Tax Year multiplied by the
5 Operating Tax Rate.

6 "Preliminary Percent of Adequacy" is defined in
7 paragraph (2) of subsection (f) of this Section.

8 "Preliminary Resources" is defined in paragraph (2) of
9 subsection (f) of this Section.

10 "Principal" means a school administrator duly endorsed
11 to be employed as a principal in this State.

12 "Professional development" means training programs for
13 licensed staff in schools, including, but not limited to,
14 programs that assist in implementing new curriculum
15 programs, provide data focused or academic assessment data
16 training to help staff identify a student's weaknesses and
17 strengths, target interventions, improve instruction,
18 encompass instructional strategies for English learner,
19 gifted, or at-risk students, address inclusivity, cultural
20 sensitivity, or implicit bias, or otherwise provide
21 professional support for licensed staff.

22 "Prototypical" means 450 special education
23 pre-kindergarten and kindergarten through grade 5 students
24 for an elementary school, 450 grade 6 through 8 students
25 for a middle school, and 600 grade 9 through 12 students
26 for a high school.

1 "PTELL" means the Property Tax Extension Limitation
2 Law.

3 "PTELL EAV" is defined in paragraph (4) of subsection
4 (d) of this Section.

5 "Pupil support staff" means a nurse, psychologist,
6 social worker, family liaison personnel, or other staff
7 member who provides support to at-risk or struggling
8 students.

9 "Real Receipts" is defined in paragraph (1) of
10 subsection (d) of this Section.

11 "Regionalization Factor" means, for a particular
12 Organizational Unit, the figure derived by dividing the
13 Organizational Unit CWI by the Statewide Weighted CWI.

14 "School counselor" means a licensed school counselor
15 who provides guidance and counseling support for students
16 within an Organizational Unit.

17 "School site staff" means the primary school secretary
18 and any additional clerical personnel assigned to a
19 school.

20 "Special education" means special educational
21 facilities and services, as defined in Section 14-1.08 of
22 this Code.

23 "Special Education Allocation" means the amount of an
24 Organizational Unit's final Adequacy Target attributable
25 to special education divided by the Organizational Unit's
26 final Adequacy Target, the product of which shall be

1 multiplied by the amount of new funding received pursuant
2 to this Section. An Organizational Unit's final Adequacy
3 Target attributable to special education shall include all
4 special education investment adequacy elements.

5 "Specialist teacher" means a teacher who provides
6 instruction in subject areas not included in core
7 subjects, including, but not limited to, art, music,
8 physical education, health, driver education,
9 career-technical education, and such other subject areas
10 as may be mandated by State law or provided by an
11 Organizational Unit.

12 "Specially Funded Unit" means an Alternative School,
13 safe school, Department of Juvenile Justice school,
14 special education cooperative or entity recognized by the
15 State Board as a special education cooperative,
16 State-approved charter school, or alternative learning
17 opportunities program that received direct funding from
18 the State Board during the 2016-2017 school year through
19 any of the funding sources included within the calculation
20 of the Base Funding Minimum or Glenwood Academy.

21 "Supplemental Grant Funding" means supplemental
22 general State aid funding received by an Organizational
23 Unit during the 2016-2017 school year pursuant to
24 subsection (H) of Section 18-8.05 of this Code (now
25 repealed).

26 "State Adequacy Level" is the sum of the Adequacy

1 Targets of all Organizational Units.

2 "State Board" means the State Board of Education.

3 "State Superintendent" means the State Superintendent
4 of Education.

5 "Statewide Weighted CWI" means a figure determined by
6 multiplying each Organizational Unit CWI times the ASE for
7 that Organizational Unit creating a weighted value,
8 summing all Organizational Units' weighted values, and
9 dividing by the total ASE of all Organizational Units,
10 thereby creating an average weighted index.

11 "Student activities" means non-credit producing
12 after-school programs, including, but not limited to,
13 clubs, bands, sports, and other activities authorized by
14 the school board of the Organizational Unit.

15 "Substitute teacher" means an individual teacher or
16 teaching assistant who is employed by an Organizational
17 Unit and is temporarily serving the Organizational Unit on
18 a per diem or per period-assignment basis to replace
19 another staff member.

20 "Summer school" means academic and enrichment programs
21 provided to students during the summer months outside of
22 the regular school year.

23 "Supervisory aide" means a non-licensed staff member
24 who helps in supervising students of an Organizational
25 Unit, but does so outside of the classroom, in situations
26 such as, but not limited to, monitoring hallways and

1 playgrounds, supervising lunchrooms, or supervising
2 students when being transported in buses serving the
3 Organizational Unit.

4 "Target Ratio" is defined in paragraph (4) of
5 subsection (g).

6 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
7 in paragraph (3) of subsection (g).

8 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
9 Funding", "Tier 3 Aggregate Funding", and "Tier 4
10 Aggregate Funding" are defined in paragraph (1) of
11 subsection (g).

12 (b) Adequacy Target calculation.

13 (1) Each Organizational Unit's Adequacy Target is the
14 sum of the Organizational Unit's cost of providing
15 Essential Elements, as calculated in accordance with this
16 subsection (b), with the salary amounts in the Essential
17 Elements multiplied by a Regionalization Factor calculated
18 pursuant to paragraph (3) of this subsection (b).

19 (2) The Essential Elements are attributable on a pro
20 rata basis related to defined subgroups of the ASE of each
21 Organizational Unit as specified in this paragraph (2),
22 with investments and FTE positions pro rata funded based
23 on ASE counts in excess of or less than the thresholds set
24 forth in this paragraph (2). The method for calculating
25 attributable pro rata costs and the defined subgroups
26 thereto are as follows:

1 (A) Core class size investments. Each
2 Organizational Unit shall receive the funding required
3 to support that number of FTE core teacher positions
4 as is needed to keep the respective class sizes of the
5 Organizational Unit to the following maximum numbers:

6 (i) For grades kindergarten through 3, the
7 Organizational Unit shall receive funding required
8 to support one FTE core teacher position for every
9 15 Low-Income Count students in those grades and
10 one FTE core teacher position for every 20
11 non-Low-Income Count students in those grades.

12 (ii) For grades 4 through 12, the
13 Organizational Unit shall receive funding required
14 to support one FTE core teacher position for every
15 20 Low-Income Count students in those grades and
16 one FTE core teacher position for every 25
17 non-Low-Income Count students in those grades.

18 The number of non-Low-Income Count students in a
19 grade shall be determined by subtracting the
20 Low-Income students in that grade from the ASE of the
21 Organizational Unit for that grade.

22 (B) Specialist teacher investments. Each
23 Organizational Unit shall receive the funding needed
24 to cover that number of FTE specialist teacher
25 positions that correspond to the following
26 percentages:

1 (i) if the Organizational Unit operates an
2 elementary or middle school, then 20.00% of the
3 number of the Organizational Unit's core teachers,
4 as determined under subparagraph (A) of this
5 paragraph (2); and

6 (ii) if such Organizational Unit operates a
7 high school, then 33.33% of the number of the
8 Organizational Unit's core teachers.

9 (C) Instructional facilitator investments. Each
10 Organizational Unit shall receive the funding needed
11 to cover one FTE instructional facilitator position
12 for every 200 combined ASE of pre-kindergarten
13 children with disabilities and all kindergarten
14 through grade 12 students of the Organizational Unit.

15 (D) Core intervention teacher (tutor) investments.
16 Each Organizational Unit shall receive the funding
17 needed to cover one FTE teacher position for each
18 prototypical elementary, middle, and high school.

19 (E) Substitute teacher investments. Each
20 Organizational Unit shall receive the funding needed
21 to cover substitute teacher costs that is equal to
22 5.70% of the minimum pupil attendance days required
23 under Section 10-19 of this Code for all full-time
24 equivalent core, specialist, and intervention
25 teachers, school nurses, special education teachers
26 and instructional assistants, instructional

1 facilitators, and summer school and extended day
2 teacher positions, as determined under this paragraph
3 (2), at a salary rate of 33.33% of the average salary
4 for grade K through 12 teachers and 33.33% of the
5 average salary of each instructional assistant
6 position.

7 (F) Core school counselor investments. Each
8 Organizational Unit shall receive the funding needed
9 to cover one FTE school counselor for each 450
10 combined ASE of pre-kindergarten children with
11 disabilities and all kindergarten through grade 5
12 students, plus one FTE school counselor for each 250
13 grades 6 through 8 ASE middle school students, plus
14 one FTE school counselor for each 250 grades 9 through
15 12 ASE high school students.

16 (G) Nurse investments. Each Organizational Unit
17 shall receive the funding needed to cover one FTE
18 nurse for each 750 combined ASE of pre-kindergarten
19 children with disabilities and all kindergarten
20 through grade 12 students across all grade levels it
21 serves.

22 (H) Supervisory aide investments. Each
23 Organizational Unit shall receive the funding needed
24 to cover one FTE for each 225 combined ASE of
25 pre-kindergarten children with disabilities and all
26 kindergarten through grade 5 students, plus one FTE

1 for each 225 ASE middle school students, plus one FTE
2 for each 200 ASE high school students.

3 (I) Librarian investments. Each Organizational
4 Unit shall receive the funding needed to cover one FTE
5 librarian for each prototypical elementary school,
6 middle school, and high school and one FTE aide or
7 media technician for every 300 combined ASE of
8 pre-kindergarten children with disabilities and all
9 kindergarten through grade 12 students.

10 (J) Principal investments. Each Organizational
11 Unit shall receive the funding needed to cover one FTE
12 principal position for each prototypical elementary
13 school, plus one FTE principal position for each
14 prototypical middle school, plus one FTE principal
15 position for each prototypical high school.

16 (K) Assistant principal investments. Each
17 Organizational Unit shall receive the funding needed
18 to cover one FTE assistant principal position for each
19 prototypical elementary school, plus one FTE assistant
20 principal position for each prototypical middle
21 school, plus one FTE assistant principal position for
22 each prototypical high school.

23 (L) School site staff investments. Each
24 Organizational Unit shall receive the funding needed
25 for one FTE position for each 225 ASE of
26 pre-kindergarten children with disabilities and all

1 kindergarten through grade 5 students, plus one FTE
2 position for each 225 ASE middle school students, plus
3 one FTE position for each 200 ASE high school
4 students.

5 (M) Gifted investments. Each Organizational Unit
6 shall receive \$40 per kindergarten through grade 12
7 ASE.

8 (N) Professional development investments. Each
9 Organizational Unit shall receive \$125 per student of
10 the combined ASE of pre-kindergarten children with
11 disabilities and all kindergarten through grade 12
12 students for trainers and other professional
13 development-related expenses for supplies and
14 materials.

15 (O) Instructional material investments. Each
16 Organizational Unit shall receive \$190 per student of
17 the combined ASE of pre-kindergarten children with
18 disabilities and all kindergarten through grade 12
19 students to cover instructional material costs.

20 (P) Assessment investments. Each Organizational
21 Unit shall receive \$25 per student of the combined ASE
22 of pre-kindergarten children with disabilities and all
23 kindergarten through grade 12 students to cover
24 assessment costs.

25 (Q) Computer technology and equipment investments.
26 Each Organizational Unit shall receive \$285.50 per

1 student of the combined ASE of pre-kindergarten
2 children with disabilities and all kindergarten
3 through grade 12 students to cover computer technology
4 and equipment costs. For the 2018-2019 school year and
5 subsequent school years, Organizational Units assigned
6 to Tier 1 and Tier 2 in the prior school year shall
7 receive an additional \$285.50 per student of the
8 combined ASE of pre-kindergarten children with
9 disabilities and all kindergarten through grade 12
10 students to cover computer technology and equipment
11 costs in the Organizational Unit's Adequacy Target.
12 The State Board may establish additional requirements
13 for Organizational Unit expenditures of funds received
14 pursuant to this subparagraph (Q), including a
15 requirement that funds received pursuant to this
16 subparagraph (Q) may be used only for serving the
17 technology needs of the district. It is the intent of
18 Public Act 100-465 that all Tier 1 and Tier 2 districts
19 receive the addition to their Adequacy Target in the
20 following year, subject to compliance with the
21 requirements of the State Board.

22 (R) Student activities investments. Each
23 Organizational Unit shall receive the following
24 funding amounts to cover student activities: \$100 per
25 kindergarten through grade 5 ASE student in elementary
26 school, plus \$200 per ASE student in middle school,

1 plus \$675 per ASE student in high school.

2 (S) Maintenance and operations investments. Each
3 Organizational Unit shall receive \$1,038 per student
4 of the combined ASE of pre-kindergarten children with
5 disabilities and all kindergarten through grade 12
6 students for day-to-day maintenance and operations
7 expenditures, including salary, supplies, and
8 materials, as well as purchased services, but
9 excluding employee benefits. The proportion of salary
10 for the application of a Regionalization Factor and
11 the calculation of benefits is equal to \$352.92.

12 (T) Central office investments. Each
13 Organizational Unit shall receive \$742 per student of
14 the combined ASE of pre-kindergarten children with
15 disabilities and all kindergarten through grade 12
16 students to cover central office operations, including
17 administrators and classified personnel charged with
18 managing the instructional programs, business and
19 operations of the school district, and security
20 personnel. The proportion of salary for the
21 application of a Regionalization Factor and the
22 calculation of benefits is equal to \$368.48.

23 (U) Employee benefit investments. Each
24 Organizational Unit shall receive 30% of the total of
25 all salary-calculated elements of the Adequacy Target,
26 excluding substitute teachers and student activities

1 investments, to cover benefit costs. For central
2 office and maintenance and operations investments, the
3 benefit calculation shall be based upon the salary
4 proportion of each investment. If at any time the
5 responsibility for funding the employer normal cost of
6 teacher pensions is assigned to school districts, then
7 that amount certified by the Teachers' Retirement
8 System of the State of Illinois to be paid by the
9 Organizational Unit for the preceding school year
10 shall be added to the benefit investment. For any
11 fiscal year in which a school district organized under
12 Article 34 of this Code is responsible for paying the
13 employer normal cost of teacher pensions, then that
14 amount of its employer normal cost plus the amount for
15 retiree health insurance as certified by the Public
16 School Teachers' Pension and Retirement Fund of
17 Chicago to be paid by the school district for the
18 preceding school year that is statutorily required to
19 cover employer normal costs and the amount for retiree
20 health insurance shall be added to the 30% specified
21 in this subparagraph (U). The Teachers' Retirement
22 System of the State of Illinois and the Public School
23 Teachers' Pension and Retirement Fund of Chicago shall
24 submit such information as the State Superintendent
25 may require for the calculations set forth in this
26 subparagraph (U).

1 (V) Additional investments in low-income students.
2 In addition to and not in lieu of all other funding
3 under this paragraph (2), each Organizational Unit
4 shall receive funding based on the average teacher
5 salary for grades K through 12 to cover the costs of:

6 (i) one FTE intervention teacher (tutor)
7 position for every 125 Low-Income Count students;

8 (ii) one FTE pupil support staff position for
9 every 125 Low-Income Count students;

10 (iii) one FTE extended day teacher position
11 for every 120 Low-Income Count students; and

12 (iv) one FTE summer school teacher position
13 for every 120 Low-Income Count students.

14 (W) Additional investments in English learner
15 students. In addition to and not in lieu of all other
16 funding under this paragraph (2), each Organizational
17 Unit shall receive funding based on the average
18 teacher salary for grades K through 12 to cover the
19 costs of:

20 (i) one FTE intervention teacher (tutor)
21 position for every 125 English learner students;

22 (ii) one FTE pupil support staff position for
23 every 125 English learner students;

24 (iii) one FTE extended day teacher position
25 for every 120 English learner students;

26 (iv) one FTE summer school teacher position

1 for every 120 English learner students; and
2 (v) one FTE core teacher position for every
3 100 English learner students.

4 (X) Special education investments. Each
5 Organizational Unit shall receive funding based on the
6 average teacher salary for grades K through 12 to
7 cover special education as follows:

8 (i) one FTE teacher position for every 141
9 combined ASE of pre-kindergarten children with
10 disabilities and all kindergarten through grade 12
11 students;

12 (ii) one FTE instructional assistant for every
13 141 combined ASE of pre-kindergarten children with
14 disabilities and all kindergarten through grade 12
15 students; and

16 (iii) one FTE psychologist position for every
17 1,000 combined ASE of pre-kindergarten children
18 with disabilities and all kindergarten through
19 grade 12 students.

20 (3) For calculating the salaries included within the
21 Essential Elements, the State Superintendent shall
22 annually calculate average salaries to the nearest dollar
23 using the employment information system data maintained by
24 the State Board, limited to public schools only and
25 excluding special education and vocational cooperatives,
26 schools operated by the Department of Juvenile Justice,

1 and charter schools, for the following positions:

2 (A) Teacher for grades K through 8.

3 (B) Teacher for grades 9 through 12.

4 (C) Teacher for grades K through 12.

5 (D) School counselor for grades K through 8.

6 (E) School counselor for grades 9 through 12.

7 (F) School counselor for grades K through 12.

8 (G) Social worker.

9 (H) Psychologist.

10 (I) Librarian.

11 (J) Nurse.

12 (K) Principal.

13 (L) Assistant principal.

14 For the purposes of this paragraph (3), "teacher"
15 includes core teachers, specialist and elective teachers,
16 instructional facilitators, tutors, special education
17 teachers, pupil support staff teachers, English learner
18 teachers, extended day teachers, and summer school
19 teachers. Where specific grade data is not required for
20 the Essential Elements, the average salary for
21 corresponding positions shall apply. For substitute
22 teachers, the average teacher salary for grades K through
23 12 shall apply.

24 For calculating the salaries included within the
25 Essential Elements for positions not included within EIS
26 Data, the following salaries shall be used in the first

1 year of implementation of Evidence-Based Funding:

2 (i) school site staff, \$30,000; and

3 (ii) non-instructional assistant, instructional
4 assistant, library aide, library media tech, or
5 supervisory aide: \$25,000.

6 In the second and subsequent years of implementation
7 of Evidence-Based Funding, the amounts in items (i) and
8 (ii) of this paragraph (3) shall annually increase by the
9 ECI.

10 The salary amounts for the Essential Elements
11 determined pursuant to subparagraphs (A) through (L), (S)
12 and (T), and (V) through (X) of paragraph (2) of
13 subsection (b) of this Section shall be multiplied by a
14 Regionalization Factor.

15 (c) Local Capacity calculation.

16 (1) Each Organizational Unit's Local Capacity
17 represents an amount of funding it is assumed to
18 contribute toward its Adequacy Target for purposes of the
19 Evidence-Based Funding formula calculation. "Local
20 Capacity" means either (i) the Organizational Unit's Local
21 Capacity Target as calculated in accordance with paragraph
22 (2) of this subsection (c) if its Real Receipts are equal
23 to or less than its Local Capacity Target or (ii) the
24 Organizational Unit's Adjusted Local Capacity, as
25 calculated in accordance with paragraph (3) of this
26 subsection (c) if Real Receipts are more than its Local

1 Capacity Target.

2 (2) "Local Capacity Target" means, for an
3 Organizational Unit, that dollar amount that is obtained
4 by multiplying its Adequacy Target by its Local Capacity
5 Ratio.

6 (A) An Organizational Unit's Local Capacity
7 Percentage is the conversion of the Organizational
8 Unit's Local Capacity Ratio, as such ratio is
9 determined in accordance with subparagraph (B) of this
10 paragraph (2), into a cumulative distribution
11 resulting in a percentile ranking to determine each
12 Organizational Unit's relative position to all other
13 Organizational Units in this State. The calculation of
14 Local Capacity Percentage is described in subparagraph
15 (C) of this paragraph (2).

16 (B) An Organizational Unit's Local Capacity Ratio
17 in a given year is the percentage obtained by dividing
18 its Adjusted EAV or PTELL EAV, whichever is less, by
19 its Adequacy Target, with the resulting ratio further
20 adjusted as follows:

21 (i) for Organizational Units serving grades
22 kindergarten through 12 and Hybrid Districts, no
23 further adjustments shall be made;

24 (ii) for Organizational Units serving grades
25 kindergarten through 8, the ratio shall be
26 multiplied by 9/13;

1 (iii) for Organizational Units serving grades
2 9 through 12, the Local Capacity Ratio shall be
3 multiplied by 4/13; and

4 (iv) for an Organizational Unit with a
5 different grade configuration than those specified
6 in items (i) through (iii) of this subparagraph
7 (B), the State Superintendent shall determine a
8 comparable adjustment based on the grades served.

9 (C) The Local Capacity Percentage is equal to the
10 percentile ranking of the district. Local Capacity
11 Percentage converts each Organizational Unit's Local
12 Capacity Ratio to a cumulative distribution resulting
13 in a percentile ranking to determine each
14 Organizational Unit's relative position to all other
15 Organizational Units in this State. The Local Capacity
16 Percentage cumulative distribution resulting in a
17 percentile ranking for each Organizational Unit shall
18 be calculated using the standard normal distribution
19 of the score in relation to the weighted mean and
20 weighted standard deviation and Local Capacity Ratios
21 of all Organizational Units. If the value assigned to
22 any Organizational Unit is in excess of 90%, the value
23 shall be adjusted to 90%. For Laboratory Schools, the
24 Local Capacity Percentage shall be set at 10% in
25 recognition of the absence of EAV and resources from
26 the public university that are allocated to the

1 Laboratory School. For programs operated by a regional
2 office of education or an intermediate service center,
3 the Local Capacity Percentage must be set at 10% in
4 recognition of the absence of EAV and resources from
5 school districts that are allocated to the regional
6 office of education or intermediate service center.
7 The weighted mean for the Local Capacity Percentage
8 shall be determined by multiplying each Organizational
9 Unit's Local Capacity Ratio times the ASE for the unit
10 creating a weighted value, summing the weighted values
11 of all Organizational Units, and dividing by the total
12 ASE of all Organizational Units. The weighted standard
13 deviation shall be determined by taking the square
14 root of the weighted variance of all Organizational
15 Units' Local Capacity Ratio, where the variance is
16 calculated by squaring the difference between each
17 unit's Local Capacity Ratio and the weighted mean,
18 then multiplying the variance for each unit times the
19 ASE for the unit to create a weighted variance for each
20 unit, then summing all units' weighted variance and
21 dividing by the total ASE of all units.

22 (D) For any Organizational Unit, the
23 Organizational Unit's Adjusted Local Capacity Target
24 shall be reduced by either (i) the school board's
25 remaining contribution pursuant to paragraph (ii) of
26 subsection (b-4) of Section 16-158 of the Illinois

1 Pension Code in a given year or (ii) the board of
2 education's remaining contribution pursuant to
3 paragraph (iv) of subsection (b) of Section 17-129 of
4 the Illinois Pension Code absent the employer normal
5 cost portion of the required contribution and amount
6 allowed pursuant to subdivision (3) of Section
7 17-142.1 of the Illinois Pension Code in a given year.
8 In the preceding sentence, item (i) shall be certified
9 to the State Board of Education by the Teachers'
10 Retirement System of the State of Illinois and item
11 (ii) shall be certified to the State Board of
12 Education by the Public School Teachers' Pension and
13 Retirement Fund of the City of Chicago.

14 (3) If an Organizational Unit's Real Receipts are more
15 than its Local Capacity Target, then its Local Capacity
16 shall equal an Adjusted Local Capacity Target as
17 calculated in accordance with this paragraph (3). The
18 Adjusted Local Capacity Target is calculated as the sum of
19 the Organizational Unit's Local Capacity Target and its
20 Real Receipts Adjustment. The Real Receipts Adjustment
21 equals the Organizational Unit's Real Receipts less its
22 Local Capacity Target, with the resulting figure
23 multiplied by the Local Capacity Percentage.

24 As used in this paragraph (3), "Real Percent of
25 Adequacy" means the sum of an Organizational Unit's Real
26 Receipts, CPPRT, and Base Funding Minimum, with the

1 resulting figure divided by the Organizational Unit's
2 Adequacy Target.

3 (d) Calculation of Real Receipts, EAV, and Adjusted EAV
4 for purposes of the Local Capacity calculation.

5 (1) An Organizational Unit's Real Receipts are the
6 product of its Applicable Tax Rate and its Adjusted EAV.
7 An Organizational Unit's Applicable Tax Rate is its
8 Adjusted Operating Tax Rate for property within the
9 Organizational Unit.

10 (2) The State Superintendent shall calculate the
11 equalized assessed valuation, or EAV, of all taxable
12 property of each Organizational Unit as of September 30 of
13 the previous year in accordance with paragraph (3) of this
14 subsection (d). The State Superintendent shall then
15 determine the Adjusted EAV of each Organizational Unit in
16 accordance with paragraph (4) of this subsection (d),
17 which Adjusted EAV figure shall be used for the purposes
18 of calculating Local Capacity.

19 (3) To calculate Real Receipts and EAV, the Department
20 of Revenue shall supply to the State Superintendent the
21 value as equalized or assessed by the Department of
22 Revenue of all taxable property of every Organizational
23 Unit, together with (i) the applicable tax rate used in
24 extending taxes for the funds of the Organizational Unit
25 as of September 30 of the previous year and (ii) the
26 limiting rate for all Organizational Units subject to

1 property tax extension limitations as imposed under PTELL.

2 (A) The Department of Revenue shall add to the
3 equalized assessed value of all taxable property of
4 each Organizational Unit situated entirely or
5 partially within a county that is or was subject to the
6 provisions of Section 15-176 or 15-177 of the Property
7 Tax Code (i) an amount equal to the total amount by
8 which the homestead exemption allowed under Section
9 15-176 or 15-177 of the Property Tax Code for real
10 property situated in that Organizational Unit exceeds
11 the total amount that would have been allowed in that
12 Organizational Unit if the maximum reduction under
13 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
14 in all other counties in tax year 2003 or (II) \$5,000
15 in all counties in tax year 2004 and thereafter and
16 (ii) an amount equal to the aggregate amount for the
17 taxable year of all additional exemptions under
18 Section 15-175 of the Property Tax Code for owners
19 with a household income of \$30,000 or less. The county
20 clerk of any county that is or was subject to the
21 provisions of Section 15-176 or 15-177 of the Property
22 Tax Code shall annually calculate and certify to the
23 Department of Revenue for each Organizational Unit all
24 homestead exemption amounts under Section 15-176 or
25 15-177 of the Property Tax Code and all amounts of
26 additional exemptions under Section 15-175 of the

1 Property Tax Code for owners with a household income
2 of \$30,000 or less. It is the intent of this
3 subparagraph (A) that if the general homestead
4 exemption for a parcel of property is determined under
5 Section 15-176 or 15-177 of the Property Tax Code
6 rather than Section 15-175, then the calculation of
7 EAV shall not be affected by the difference, if any,
8 between the amount of the general homestead exemption
9 allowed for that parcel of property under Section
10 15-176 or 15-177 of the Property Tax Code and the
11 amount that would have been allowed had the general
12 homestead exemption for that parcel of property been
13 determined under Section 15-175 of the Property Tax
14 Code. It is further the intent of this subparagraph
15 (A) that if additional exemptions are allowed under
16 Section 15-175 of the Property Tax Code for owners
17 with a household income of less than \$30,000, then the
18 calculation of EAV shall not be affected by the
19 difference, if any, because of those additional
20 exemptions.

21 (B) With respect to any part of an Organizational
22 Unit within a redevelopment project area in respect to
23 which a municipality has adopted tax increment
24 allocation financing pursuant to the Tax Increment
25 Allocation Redevelopment Act, Division 74.4 of Article
26 11 of the Illinois Municipal Code, or the Industrial

1 Jobs Recovery Law, Division 74.6 of Article 11 of the
2 Illinois Municipal Code, no part of the current EAV of
3 real property located in any such project area that is
4 attributable to an increase above the total initial
5 EAV of such property shall be used as part of the EAV
6 of the Organizational Unit, until such time as all
7 redevelopment project costs have been paid, as
8 provided in Section 11-74.4-8 of the Tax Increment
9 Allocation Redevelopment Act or in Section 11-74.6-35
10 of the Industrial Jobs Recovery Law. For the purpose
11 of the EAV of the Organizational Unit, the total
12 initial EAV or the current EAV, whichever is lower,
13 shall be used until such time as all redevelopment
14 project costs have been paid.

15 (B-5) The real property equalized assessed
16 valuation for a school district shall be adjusted by
17 subtracting from the real property value, as equalized
18 or assessed by the Department of Revenue, for the
19 district an amount computed by dividing the amount of
20 any abatement of taxes under Section 18-170 of the
21 Property Tax Code by 3.00% for a district maintaining
22 grades kindergarten through 12, by 2.30% for a
23 district maintaining grades kindergarten through 8, or
24 by 1.05% for a district maintaining grades 9 through
25 12 and adjusted by an amount computed by dividing the
26 amount of any abatement of taxes under subsection (a)

1 of Section 18-165 of the Property Tax Code by the same
2 percentage rates for district type as specified in
3 this subparagraph (B-5).

4 (C) For Organizational Units that are Hybrid
5 Districts, the State Superintendent shall use the
6 lesser of the adjusted equalized assessed valuation
7 for property within the partial elementary unit
8 district for elementary purposes, as defined in
9 Article 11E of this Code, or the adjusted equalized
10 assessed valuation for property within the partial
11 elementary unit district for high school purposes, as
12 defined in Article 11E of this Code.

13 (D) If a school district's boundaries span
14 multiple counties, then the Department of Revenue
15 shall send to the State Board, for the purposes of
16 calculating Evidence-Based Funding, the limiting rate
17 and individual rates by purpose for the county that
18 contains the majority of the school district's
19 equalized assessed valuation.

20 (4) An Organizational Unit's Adjusted EAV shall be the
21 average of its EAV over the immediately preceding 3 years
22 or the lesser of its EAV in the immediately preceding year
23 or the average of its EAV over the immediately preceding 3
24 years if the EAV in the immediately preceding year has
25 declined by 10% or more when comparing the 2 most recent
26 years. In the event of Organizational Unit reorganization,

1 consolidation, or annexation, the Organizational Unit's
2 Adjusted EAV for the first 3 years after such change shall
3 be as follows: the most current EAV shall be used in the
4 first year, the average of a 2-year EAV or its EAV in the
5 immediately preceding year if the EAV declines by 10% or
6 more when comparing the 2 most recent years for the second
7 year, and the lesser of a 3-year average EAV or its EAV in
8 the immediately preceding year if the Adjusted EAV
9 declines by 10% or more when comparing the 2 most recent
10 years for the third year. For any school district whose
11 EAV in the immediately preceding year is used in
12 calculations, in the following year, the Adjusted EAV
13 shall be the average of its EAV over the immediately
14 preceding 2 years or the immediately preceding year if
15 that year represents a decline of 10% or more when
16 comparing the 2 most recent years.

17 "PTELL EAV" means a figure calculated by the State
18 Board for Organizational Units subject to PTELL as
19 described in this paragraph (4) for the purposes of
20 calculating an Organizational Unit's Local Capacity Ratio.
21 Except as otherwise provided in this paragraph (4), the
22 PTELL EAV of an Organizational Unit shall be equal to the
23 product of the equalized assessed valuation last used in
24 the calculation of general State aid under Section 18-8.05
25 of this Code (now repealed) or Evidence-Based Funding
26 under this Section and the Organizational Unit's Extension

1 Limitation Ratio. If an Organizational Unit has approved
2 or does approve an increase in its limiting rate, pursuant
3 to Section 18-190 of the Property Tax Code, affecting the
4 Base Tax Year, the PTELL EAV shall be equal to the product
5 of the equalized assessed valuation last used in the
6 calculation of general State aid under Section 18-8.05 of
7 this Code (now repealed) or Evidence-Based Funding under
8 this Section multiplied by an amount equal to one plus the
9 percentage increase, if any, in the Consumer Price Index
10 for All Urban Consumers for all items published by the
11 United States Department of Labor for the 12-month
12 calendar year preceding the Base Tax Year, plus the
13 equalized assessed valuation of new property, annexed
14 property, and recovered tax increment value and minus the
15 equalized assessed valuation of disconnected property.

16 As used in this paragraph (4), "new property" and
17 "recovered tax increment value" shall have the meanings
18 set forth in the Property Tax Extension Limitation Law.

19 (e) Base Funding Minimum calculation.

20 (1) For the 2017-2018 school year, the Base Funding
21 Minimum of an Organizational Unit or a Specially Funded
22 Unit shall be the amount of State funds distributed to the
23 Organizational Unit or Specially Funded Unit during the
24 2016-2017 school year prior to any adjustments and
25 specified appropriation amounts described in this
26 paragraph (1) from the following Sections, as calculated

1 by the State Superintendent: Section 18-8.05 of this Code
2 (now repealed); Section 5 of Article 224 of Public Act
3 99-524 (equity grants); Section 14-7.02b of this Code
4 (funding for children requiring special education
5 services); Section 14-13.01 of this Code (special
6 education facilities and staffing), except for
7 reimbursement of the cost of transportation pursuant to
8 Section 14-13.01; Section 14C-12 of this Code (English
9 learners); and Section 18-4.3 of this Code (summer
10 school), based on an appropriation level of \$13,121,600.
11 For a school district organized under Article 34 of this
12 Code, the Base Funding Minimum also includes (i) the funds
13 allocated to the school district pursuant to Section 1D-1
14 of this Code attributable to funding programs authorized
15 by the Sections of this Code listed in the preceding
16 sentence and (ii) the difference between (I) the funds
17 allocated to the school district pursuant to Section 1D-1
18 of this Code attributable to the funding programs
19 authorized by Section 14-7.02 (non-public special
20 education reimbursement), subsection (b) of Section
21 14-13.01 (special education transportation), Section 29-5
22 (transportation), Section 2-3.80 (agricultural
23 education), Section 2-3.66 (truants' alternative
24 education), Section 2-3.62 (educational service centers),
25 and Section 14-7.03 (special education - orphanage) of
26 this Code and Section 15 of the Childhood Hunger Relief

1 Act (free breakfast program) and (II) the school
2 district's actual expenditures for its non-public special
3 education, special education transportation,
4 transportation programs, agricultural education, truants'
5 alternative education, services that would otherwise be
6 performed by a regional office of education, special
7 education orphanage expenditures, and free breakfast, as
8 most recently calculated and reported pursuant to
9 subsection (f) of Section 1D-1 of this Code. The Base
10 Funding Minimum for Glenwood Academy shall be \$625,500.
11 For programs operated by a regional office of education or
12 an intermediate service center, the Base Funding Minimum
13 must be the total amount of State funds allocated to those
14 programs in the 2018-2019 school year and amounts provided
15 pursuant to Article 34 of Public Act 100-586 and Section
16 3-16 of this Code. All programs established after June 5,
17 2019 (the effective date of Public Act 101-10) and
18 administered by a regional office of education or an
19 intermediate service center must have an initial Base
20 Funding Minimum set to an amount equal to the first-year
21 ASE multiplied by the amount of per pupil funding received
22 in the previous school year by the lowest funded similar
23 existing program type. If the enrollment for a program
24 operated by a regional office of education or an
25 intermediate service center is zero, then it may not
26 receive Base Funding Minimum funds for that program in the

1 next fiscal year, and those funds must be distributed to
2 Organizational Units under subsection (g).

3 (2) For the 2018-2019 and subsequent school years, the
4 Base Funding Minimum of Organizational Units and Specially
5 Funded Units shall be the sum of (i) the amount of
6 Evidence-Based Funding for the prior school year, (ii) the
7 Base Funding Minimum for the prior school year, and (iii)
8 any amount received by a school district pursuant to
9 Section 7 of Article 97 of Public Act 100-21.

10 For the 2022-2023 school year, the Base Funding
11 Minimum of Organizational Units shall be the amounts
12 recalculated by the State Board of Education for Fiscal
13 Year 2019 through Fiscal Year 2022 that were necessary due
14 to average student enrollment errors for districts
15 organized under Article 34 of this Code, plus the Fiscal
16 Year 2022 property tax relief grants provided under
17 Section 2-3.170 of this Code, ensuring each Organizational
18 Unit has the correct amount of resources for Fiscal Year
19 2023 Evidence-Based Funding calculations and that Fiscal
20 Year 2023 Evidence-Based Funding Distributions are made in
21 accordance with this Section.

22 (3) Subject to approval by the General Assembly as
23 provided in this paragraph (3), an Organizational Unit
24 that meets all of the following criteria, as determined by
25 the State Board, shall have District Intervention Money
26 added to its Base Funding Minimum at the time the Base

1 Funding Minimum is calculated by the State Board:

2 (A) The Organizational Unit is operating under an
3 Independent Authority under Section 2-3.25f-5 of this
4 Code for a minimum of 4 school years or is subject to
5 the control of the State Board pursuant to a court
6 order for a minimum of 4 school years.

7 (B) The Organizational Unit was designated as a
8 Tier 1 or Tier 2 Organizational Unit in the previous
9 school year under paragraph (3) of subsection (g) of
10 this Section.

11 (C) The Organizational Unit demonstrates
12 sustainability through a 5-year financial and
13 strategic plan.

14 (D) The Organizational Unit has made sufficient
15 progress and achieved sufficient stability in the
16 areas of governance, academic growth, and finances.

17 As part of its determination under this paragraph (3),
18 the State Board may consider the Organizational Unit's
19 summative designation, any accreditations of the
20 Organizational Unit, or the Organizational Unit's
21 financial profile, as calculated by the State Board.

22 If the State Board determines that an Organizational
23 Unit has met the criteria set forth in this paragraph (3),
24 it must submit a report to the General Assembly, no later
25 than January 2 of the fiscal year in which the State Board
26 makes its determination, on the amount of District

1 Intervention Money to add to the Organizational Unit's
2 Base Funding Minimum. The General Assembly must review the
3 State Board's report and may approve or disapprove, by
4 joint resolution, the addition of District Intervention
5 Money. If the General Assembly fails to act on the report
6 within 40 calendar days from the receipt of the report,
7 the addition of District Intervention Money is deemed
8 approved. If the General Assembly approves the amount of
9 District Intervention Money to be added to the
10 Organizational Unit's Base Funding Minimum, the District
11 Intervention Money must be added to the Base Funding
12 Minimum annually thereafter.

13 For the first 4 years following the initial year that
14 the State Board determines that an Organizational Unit has
15 met the criteria set forth in this paragraph (3) and has
16 received funding under this Section, the Organizational
17 Unit must annually submit to the State Board, on or before
18 November 30, a progress report regarding its financial and
19 strategic plan under subparagraph (C) of this paragraph
20 (3). The plan shall include the financial data from the
21 past 4 annual financial reports or financial audits that
22 must be presented to the State Board by November 15 of each
23 year and the approved budget financial data for the
24 current year. The plan shall be developed according to the
25 guidelines presented to the Organizational Unit by the
26 State Board. The plan shall further include financial

1 projections for the next 3 fiscal years and include a
2 discussion and financial summary of the Organizational
3 Unit's facility needs. If the Organizational Unit does not
4 demonstrate sufficient progress toward its 5-year plan or
5 if it has failed to file an annual financial report, an
6 annual budget, a financial plan, a deficit reduction plan,
7 or other financial information as required by law, the
8 State Board may establish a Financial Oversight Panel
9 under Article 1H of this Code. However, if the
10 Organizational Unit already has a Financial Oversight
11 Panel, the State Board may extend the duration of the
12 Panel.

13 (f) Percent of Adequacy and Final Resources calculation.

14 (1) The Evidence-Based Funding formula establishes a
15 Percent of Adequacy for each Organizational Unit in order
16 to place such units into tiers for the purposes of the
17 funding distribution system described in subsection (g) of
18 this Section. Initially, an Organizational Unit's
19 Preliminary Resources and Preliminary Percent of Adequacy
20 are calculated pursuant to paragraph (2) of this
21 subsection (f). Then, an Organizational Unit's Final
22 Resources and Final Percent of Adequacy are calculated to
23 account for the Organizational Unit's poverty
24 concentration levels pursuant to paragraphs (3) and (4) of
25 this subsection (f).

26 (2) An Organizational Unit's Preliminary Resources are

1 equal to the sum of its Local Capacity Target, CPPRT, and
2 Base Funding Minimum. An Organizational Unit's Preliminary
3 Percent of Adequacy is the lesser of (i) its Preliminary
4 Resources divided by its Adequacy Target or (ii) 100%.

5 (3) Except for Specially Funded Units, an
6 Organizational Unit's Final Resources are equal to the sum
7 of its Local Capacity, CPPRT, and Adjusted Base Funding
8 Minimum. The Base Funding Minimum of each Specially Funded
9 Unit shall serve as its Final Resources, except that the
10 Base Funding Minimum for State-approved charter schools
11 shall not include any portion of general State aid
12 allocated in the prior year based on the per capita
13 tuition charge times the charter school enrollment.

14 (4) An Organizational Unit's Final Percent of Adequacy
15 is its Final Resources divided by its Adequacy Target. An
16 Organizational Unit's Adjusted Base Funding Minimum is
17 equal to its Base Funding Minimum less its Supplemental
18 Grant Funding, with the resulting figure added to the
19 product of its Supplemental Grant Funding and Preliminary
20 Percent of Adequacy.

21 (g) Evidence-Based Funding formula distribution system.

22 (1) In each school year under the Evidence-Based
23 Funding formula, each Organizational Unit receives funding
24 equal to the sum of its Base Funding Minimum and the unit's
25 allocation of New State Funds determined pursuant to this
26 subsection (g). To allocate New State Funds, the

1 Evidence-Based Funding formula distribution system first
2 places all Organizational Units into one of 4 tiers in
3 accordance with paragraph (3) of this subsection (g),
4 based on the Organizational Unit's Final Percent of
5 Adequacy. New State Funds are allocated to each of the 4
6 tiers as follows: Tier 1 Aggregate Funding equals 50% of
7 all New State Funds, Tier 2 Aggregate Funding equals 49%
8 of all New State Funds, Tier 3 Aggregate Funding equals
9 0.9% of all New State Funds, and Tier 4 Aggregate Funding
10 equals 0.1% of all New State Funds. Each Organizational
11 Unit within Tier 1 or Tier 2 receives an allocation of New
12 State Funds equal to its tier Funding Gap, as defined in
13 the following sentence, multiplied by the tier's
14 Allocation Rate determined pursuant to paragraph (4) of
15 this subsection (g). For Tier 1, an Organizational Unit's
16 Funding Gap equals the tier's Target Ratio, as specified
17 in paragraph (5) of this subsection (g), multiplied by the
18 Organizational Unit's Adequacy Target, with the resulting
19 amount reduced by the Organizational Unit's Final
20 Resources. For Tier 2, an Organizational Unit's Funding
21 Gap equals the tier's Target Ratio, as described in
22 paragraph (5) of this subsection (g), multiplied by the
23 Organizational Unit's Adequacy Target, with the resulting
24 amount reduced by the Organizational Unit's Final
25 Resources and its Tier 1 funding allocation. To determine
26 the Organizational Unit's Funding Gap, the resulting

1 amount is then multiplied by a factor equal to one minus
2 the Organizational Unit's Local Capacity Target
3 percentage. Each Organizational Unit within Tier 3 or Tier
4 4 receives an allocation of New State Funds equal to the
5 product of its Adequacy Target and the tier's Allocation
6 Rate, as specified in paragraph (4) of this subsection
7 (g).

8 (2) To ensure equitable distribution of dollars for
9 all Tier 2 Organizational Units, no Tier 2 Organizational
10 Unit shall receive fewer dollars per ASE than any Tier 3
11 Organizational Unit. Each Tier 2 and Tier 3 Organizational
12 Unit shall have its funding allocation divided by its ASE.
13 Any Tier 2 Organizational Unit with a funding allocation
14 per ASE below the greatest Tier 3 allocation per ASE shall
15 get a funding allocation equal to the greatest Tier 3
16 funding allocation per ASE multiplied by the
17 Organizational Unit's ASE. Each Tier 2 Organizational
18 Unit's Tier 2 funding allocation shall be multiplied by
19 the percentage calculated by dividing the original Tier 2
20 Aggregate Funding by the sum of all Tier 2 Organizational
21 Units' Tier 2 funding allocation after adjusting
22 districts' funding below Tier 3 levels.

23 (3) Organizational Units are placed into one of 4
24 tiers as follows:

25 (A) Tier 1 consists of all Organizational Units,
26 except for Specially Funded Units, with a Percent of

1 Adequacy less than the Tier 1 Target Ratio. The Tier 1
2 Target Ratio is the ratio level that allows for Tier 1
3 Aggregate Funding to be distributed, with the Tier 1
4 Allocation Rate determined pursuant to paragraph (4)
5 of this subsection (g).

6 (B) Tier 2 consists of all Tier 1 Units and all
7 other Organizational Units, except for Specially
8 Funded Units, with a Percent of Adequacy of less than
9 0.90.

10 (C) Tier 3 consists of all Organizational Units,
11 except for Specially Funded Units, with a Percent of
12 Adequacy of at least 0.90 and less than 1.0.

13 (D) Tier 4 consists of all Organizational Units
14 with a Percent of Adequacy of at least 1.0.

15 (4) The Allocation Rates for Tiers 1 through 4 are
16 determined as follows:

17 (A) The Tier 1 Allocation Rate is 30%.

18 (B) The Tier 2 Allocation Rate is the result of the
19 following equation: Tier 2 Aggregate Funding, divided
20 by the sum of the Funding Gaps for all Tier 2
21 Organizational Units, unless the result of such
22 equation is higher than 1.0. If the result of such
23 equation is higher than 1.0, then the Tier 2
24 Allocation Rate is 1.0.

25 (C) The Tier 3 Allocation Rate is the result of the
26 following equation: Tier 3 Aggregate Funding, divided

1 by the sum of the Adequacy Targets of all Tier 3
2 Organizational Units.

3 (D) The Tier 4 Allocation Rate is the result of the
4 following equation: Tier 4 Aggregate Funding, divided
5 by the sum of the Adequacy Targets of all Tier 4
6 Organizational Units.

7 (5) A tier's Target Ratio is determined as follows:

8 (A) The Tier 1 Target Ratio is the ratio level that
9 allows for Tier 1 Aggregate Funding to be distributed
10 with the Tier 1 Allocation Rate.

11 (B) The Tier 2 Target Ratio is 0.90.

12 (C) The Tier 3 Target Ratio is 1.0.

13 (6) If, at any point, the Tier 1 Target Ratio is
14 greater than 90%, then all Tier 1 funding shall be
15 allocated to Tier 2 and no Tier 1 Organizational Unit's
16 funding may be identified.

17 (7) In the event that all Tier 2 Organizational Units
18 receive funding at the Tier 2 Target Ratio level, any
19 remaining New State Funds shall be allocated to Tier 3 and
20 Tier 4 Organizational Units.

21 (8) If any Specially Funded Units, excluding Glenwood
22 Academy, recognized by the State Board do not qualify for
23 direct funding following the implementation of Public Act
24 100-465 from any of the funding sources included within
25 the definition of Base Funding Minimum, the unqualified
26 portion of the Base Funding Minimum shall be transferred

1 to one or more appropriate Organizational Units as
2 determined by the State Superintendent based on the prior
3 year ASE of the Organizational Units.

4 (8.5) If a school district withdraws from a special
5 education cooperative, the portion of the Base Funding
6 Minimum that is attributable to the school district may be
7 redistributed to the school district upon withdrawal. The
8 school district and the cooperative must include the
9 amount of the Base Funding Minimum that is to be
10 reapportioned in their withdrawal agreement and notify the
11 State Board of the change with a copy of the agreement upon
12 withdrawal.

13 (9) The Minimum Funding Level is intended to establish
14 a target for State funding that will keep pace with
15 inflation and continue to advance equity through the
16 Evidence-Based Funding formula. The target for State
17 funding of New Property Tax Relief Pool Funds is
18 \$50,000,000 for State fiscal year 2019 and subsequent
19 State fiscal years. The Minimum Funding Level is equal to
20 \$350,000,000. In addition to any New State Funds, no more
21 than \$50,000,000 New Property Tax Relief Pool Funds may be
22 counted toward the Minimum Funding Level. If the sum of
23 New State Funds and applicable New Property Tax Relief
24 Pool Funds are less than the Minimum Funding Level, than
25 funding for tiers shall be reduced in the following
26 manner:

1 (A) First, Tier 4 funding shall be reduced by an
2 amount equal to the difference between the Minimum
3 Funding Level and New State Funds until such time as
4 Tier 4 funding is exhausted.

5 (B) Next, Tier 3 funding shall be reduced by an
6 amount equal to the difference between the Minimum
7 Funding Level and New State Funds and the reduction in
8 Tier 4 funding until such time as Tier 3 funding is
9 exhausted.

10 (C) Next, Tier 2 funding shall be reduced by an
11 amount equal to the difference between the Minimum
12 Funding Level and New State Funds and the reduction in
13 Tier 4 and Tier 3.

14 (D) Finally, Tier 1 funding shall be reduced by an
15 amount equal to the difference between the Minimum
16 Funding level and New State Funds and the reduction in
17 Tier 2, 3, and 4 funding. In addition, the Allocation
18 Rate for Tier 1 shall be reduced to a percentage equal
19 to the Tier 1 Allocation Rate set by paragraph (4) of
20 this subsection (g), multiplied by the result of New
21 State Funds divided by the Minimum Funding Level.

22 (9.5) For State fiscal year 2019 and subsequent State
23 fiscal years, if New State Funds exceed \$300,000,000, then
24 any amount in excess of \$300,000,000 shall be dedicated
25 for purposes of Section 2-3.170 of this Code up to a
26 maximum of \$50,000,000.

1 (10) In the event of a decrease in the amount of the
2 appropriation for this Section in any fiscal year after
3 implementation of this Section, the Organizational Units
4 receiving Tier 1 and Tier 2 funding, as determined under
5 paragraph (3) of this subsection (g), shall be held
6 harmless by establishing a Base Funding Guarantee equal to
7 the per pupil kindergarten through grade 12 funding
8 received in accordance with this Section in the prior
9 fiscal year. Reductions shall be made to the Base Funding
10 Minimum of Organizational Units in Tier 3 and Tier 4 on a
11 per pupil basis equivalent to the total number of the ASE
12 in Tier 3-funded and Tier 4-funded Organizational Units
13 divided by the total reduction in State funding. The Base
14 Funding Minimum as reduced shall continue to be applied to
15 Tier 3 and Tier 4 Organizational Units and adjusted by the
16 relative formula when increases in appropriations for this
17 Section resume. In no event may State funding reductions
18 to Organizational Units in Tier 3 or Tier 4 exceed an
19 amount that would be less than the Base Funding Minimum
20 established in the first year of implementation of this
21 Section. If additional reductions are required, all school
22 districts shall receive a reduction by a per pupil amount
23 equal to the aggregate additional appropriation reduction
24 divided by the total ASE of all Organizational Units.

25 (11) The State Superintendent shall make minor
26 adjustments to the distribution formula set forth in this

1 subsection (g) to account for the rounding of percentages
2 to the nearest tenth of a percentage and dollar amounts to
3 the nearest whole dollar.

4 (h) State Superintendent administration of funding and
5 district submission requirements.

6 (1) The State Superintendent shall, in accordance with
7 appropriations made by the General Assembly, meet the
8 funding obligations created under this Section.

9 (2) The State Superintendent shall calculate the
10 Adequacy Target for each Organizational Unit under this
11 Section. No Evidence-Based Funding shall be distributed
12 within an Organizational Unit without the approval of the
13 unit's school board.

14 (3) Annually, the State Superintendent shall calculate
15 and report to each Organizational Unit the unit's
16 aggregate financial adequacy amount, which shall be the
17 sum of the Adequacy Target for each Organizational Unit.
18 The State Superintendent shall calculate and report
19 separately for each Organizational Unit the unit's total
20 State funds allocated for its students with disabilities.
21 The State Superintendent shall calculate and report
22 separately for each Organizational Unit the amount of
23 funding and applicable FTE calculated for each Essential
24 Element of the unit's Adequacy Target.

25 (4) Annually, the State Superintendent shall calculate
26 and report to each Organizational Unit the amount the unit

1 must expend on special education and bilingual education
2 and computer technology and equipment for Organizational
3 Units assigned to Tier 1 or Tier 2 that received an
4 additional \$285.50 per student computer technology and
5 equipment investment grant to their Adequacy Target
6 pursuant to the unit's Base Funding Minimum, Special
7 Education Allocation, Bilingual Education Allocation, and
8 computer technology and equipment investment allocation.

9 (5) Moneys distributed under this Section shall be
10 calculated on a school year basis, but paid on a fiscal
11 year basis, with payments beginning in August and
12 extending through June. Unless otherwise provided, the
13 moneys appropriated for each fiscal year shall be
14 distributed in 22 equal payments at least 2 times monthly
15 to each Organizational Unit. If moneys appropriated for
16 any fiscal year are distributed other than monthly, the
17 distribution shall be on the same basis for each
18 Organizational Unit.

19 (6) Any school district that fails, for any given
20 school year, to maintain school as required by law or to
21 maintain a recognized school is not eligible to receive
22 Evidence-Based Funding. In case of non-recognition of one
23 or more attendance centers in a school district otherwise
24 operating recognized schools, the claim of the district
25 shall be reduced in the proportion that the enrollment in
26 the attendance center or centers bears to the enrollment

1 of the school district. "Recognized school" means any
2 public school that meets the standards for recognition by
3 the State Board. A school district or attendance center
4 not having recognition status at the end of a school term
5 is entitled to receive State aid payments due upon a legal
6 claim that was filed while it was recognized.

7 (7) School district claims filed under this Section
8 are subject to Sections 18-9 and 18-12 of this Code,
9 except as otherwise provided in this Section.

10 (8) Each fiscal year, the State Superintendent shall
11 calculate for each Organizational Unit an amount of its
12 Base Funding Minimum and Evidence-Based Funding that shall
13 be deemed attributable to the provision of special
14 educational facilities and services, as defined in Section
15 14-1.08 of this Code, in a manner that ensures compliance
16 with maintenance of State financial support requirements
17 under the federal Individuals with Disabilities Education
18 Act. An Organizational Unit must use such funds only for
19 the provision of special educational facilities and
20 services, as defined in Section 14-1.08 of this Code, and
21 must comply with any expenditure verification procedures
22 adopted by the State Board.

23 (9) All Organizational Units in this State must submit
24 annual spending plans, as part of the budget submission
25 process, no later than October 31 of each year to the State
26 Board. The spending plan by the end of September of each

1 ~~year to the State Board as part of the annual budget~~
2 ~~process, which~~ shall describe how each Organizational Unit
3 will utilize the Base Funding Minimum and Evidence-Based
4 Funding it receives from this State under this Section
5 with specific identification of the intended utilization
6 of Low-Income, English learner, and special education
7 resources. Additionally, the annual spending plans of each
8 Organizational Unit shall describe how the Organizational
9 Unit expects to achieve student growth and how the
10 Organizational Unit will achieve State education goals, as
11 defined by the State Board. The State Superintendent may,
12 from time to time, identify additional requisites for
13 Organizational Units to satisfy when compiling the annual
14 spending plans required under this subsection (h). The
15 format and scope of annual spending plans shall be
16 developed by the State Superintendent and the State Board
17 of Education. School districts that serve students under
18 Article 14C of this Code shall continue to submit
19 information as required under Section 14C-12 of this Code.

20 (10) No later than January 1, 2018, the State
21 Superintendent shall develop a 5-year strategic plan for
22 all Organizational Units to help in planning for adequacy
23 funding under this Section. The State Superintendent shall
24 submit the plan to the Governor and the General Assembly,
25 as provided in Section 3.1 of the General Assembly
26 Organization Act. The plan shall include recommendations

1 for:

2 (A) a framework for collaborative, professional,
3 innovative, and 21st century learning environments
4 using the Evidence-Based Funding model;

5 (B) ways to prepare and support this State's
6 educators for successful instructional careers;

7 (C) application and enhancement of the current
8 financial accountability measures, the approved State
9 plan to comply with the federal Every Student Succeeds
10 Act, and the Illinois Balanced Accountability Measures
11 in relation to student growth and elements of the
12 Evidence-Based Funding model; and

13 (D) implementation of an effective school adequacy
14 funding system based on projected and recommended
15 funding levels from the General Assembly.

16 (11) On an annual basis, the State Superintendent must
17 recalibrate all of the following per pupil elements of the
18 Adequacy Target and applied to the formulas, based on the
19 study of average expenses and as reported in the most
20 recent annual financial report:

21 (A) Gifted under subparagraph (M) of paragraph (2)
22 of subsection (b).

23 (B) Instructional materials under subparagraph (O)
24 of paragraph (2) of subsection (b).

25 (C) Assessment under subparagraph (P) of paragraph
26 (2) of subsection (b).

1 (D) Student activities under subparagraph (R) of
2 paragraph (2) of subsection (b).

3 (E) Maintenance and operations under subparagraph
4 (S) of paragraph (2) of subsection (b).

5 (F) Central office under subparagraph (T) of
6 paragraph (2) of subsection (b).

7 (i) Professional Review Panel.

8 (1) A Professional Review Panel is created to study
9 and review topics related to the implementation and effect
10 of Evidence-Based Funding, as assigned by a joint
11 resolution or Public Act of the General Assembly or a
12 motion passed by the State Board of Education. The Panel
13 must provide recommendations to and serve the Governor,
14 the General Assembly, and the State Board. The State
15 Superintendent or his or her designee must serve as a
16 voting member and chairperson of the Panel. The State
17 Superintendent must appoint a vice chairperson from the
18 membership of the Panel. The Panel must advance
19 recommendations based on a three-fifths majority vote of
20 Panel members present and voting. A minority opinion may
21 also accompany any recommendation of the Panel. The Panel
22 shall be appointed by the State Superintendent, except as
23 otherwise provided in paragraph (2) of this subsection (i)
24 and include the following members:

25 (A) Two appointees that represent district
26 superintendents, recommended by a statewide

1 organization that represents district superintendents.

2 (B) Two appointees that represent school boards,
3 recommended by a statewide organization that
4 represents school boards.

5 (C) Two appointees from districts that represent
6 school business officials, recommended by a statewide
7 organization that represents school business
8 officials.

9 (D) Two appointees that represent school
10 principals, recommended by a statewide organization
11 that represents school principals.

12 (E) Two appointees that represent teachers,
13 recommended by a statewide organization that
14 represents teachers.

15 (F) Two appointees that represent teachers,
16 recommended by another statewide organization that
17 represents teachers.

18 (G) Two appointees that represent regional
19 superintendents of schools, recommended by
20 organizations that represent regional superintendents.

21 (H) Two independent experts selected solely by the
22 State Superintendent.

23 (I) Two independent experts recommended by public
24 universities in this State.

25 (J) One member recommended by a statewide
26 organization that represents parents.

1 (K) Two representatives recommended by collective
2 impact organizations that represent major metropolitan
3 areas or geographic areas in Illinois.

4 (L) One member from a statewide organization
5 focused on research-based education policy to support
6 a school system that prepares all students for
7 college, a career, and democratic citizenship.

8 (M) One representative from a school district
9 organized under Article 34 of this Code.

10 The State Superintendent shall ensure that the
11 membership of the Panel includes representatives from
12 school districts and communities reflecting the
13 geographic, socio-economic, racial, and ethnic diversity
14 of this State. The State Superintendent shall additionally
15 ensure that the membership of the Panel includes
16 representatives with expertise in bilingual education and
17 special education. Staff from the State Board shall staff
18 the Panel.

19 (2) In addition to those Panel members appointed by
20 the State Superintendent, 4 members of the General
21 Assembly shall be appointed as follows: one member of the
22 House of Representatives appointed by the Speaker of the
23 House of Representatives, one member of the Senate
24 appointed by the President of the Senate, one member of
25 the House of Representatives appointed by the Minority
26 Leader of the House of Representatives, and one member of

1 the Senate appointed by the Minority Leader of the Senate.
2 There shall be one additional member appointed by the
3 Governor. All members appointed by legislative leaders or
4 the Governor shall be non-voting, ex officio members.

5 (3) The Panel must study topics at the direction of
6 the General Assembly or State Board of Education, as
7 provided under paragraph (1). The Panel may also study the
8 following topics at the direction of the chairperson:

9 (A) The format and scope of annual spending plans
10 referenced in paragraph (9) of subsection (h) of this
11 Section.

12 (B) The Comparable Wage Index under this Section.

13 (C) Maintenance and operations, including capital
14 maintenance and construction costs.

15 (D) "At-risk student" definition.

16 (E) Benefits.

17 (F) Technology.

18 (G) Local Capacity Target.

19 (H) Funding for Alternative Schools, Laboratory
20 Schools, safe schools, and alternative learning
21 opportunities programs.

22 (I) Funding for college and career acceleration
23 strategies.

24 (J) Special education investments.

25 (K) Early childhood investments, in collaboration
26 with the Illinois Early Learning Council.

1 (4) (Blank).

2 (5) Within 5 years after the implementation of this
3 Section, and every 5 years thereafter, the Panel shall
4 complete an evaluative study of the entire Evidence-Based
5 Funding model, including an assessment of whether or not
6 the formula is achieving State goals. The Panel shall
7 report to the State Board, the General Assembly, and the
8 Governor on the findings of the study.

9 (6) (Blank).

10 (7) To ensure that (i) the Adequacy Target calculation
11 under subsection (b) accurately reflects the needs of
12 students living in poverty or attending schools located in
13 areas of high poverty, (ii) racial equity within the
14 Evidence-Based Funding formula is explicitly explored and
15 advanced, and (iii) the funding goals of the formula
16 distribution system established under this Section are
17 sufficient to provide adequate funding for every student
18 and to fully fund every school in this State, the Panel
19 shall review the Essential Elements under paragraph (2) of
20 subsection (b). The Panel shall consider all of the
21 following in its review:

22 (A) The financial ability of school districts to
23 provide instruction in a foreign language to every
24 student and whether an additional Essential Element
25 should be added to the formula to ensure that every
26 student has access to instruction in a foreign

1 language.

2 (B) The adult-to-student ratio for each Essential
3 Element in which a ratio is identified. The Panel
4 shall consider whether the ratio accurately reflects
5 the staffing needed to support students living in
6 poverty or who have traumatic backgrounds.

7 (C) Changes to the Essential Elements that may be
8 required to better promote racial equity and eliminate
9 structural racism within schools.

10 (D) The impact of investing \$350,000,000 in
11 additional funds each year under this Section and an
12 estimate of when the school system will become fully
13 funded under this level of appropriation.

14 (E) Provide an overview of alternative funding
15 structures that would enable the State to become fully
16 funded at an earlier date.

17 (F) The potential to increase efficiency and to
18 find cost savings within the school system to expedite
19 the journey to a fully funded system.

20 (G) The appropriate levels for reenrolling and
21 graduating high-risk high school students who have
22 been previously out of school. These outcomes shall
23 include enrollment, attendance, skill gains, credit
24 gains, graduation or promotion to the next grade
25 level, and the transition to college, training, or
26 employment, with an emphasis on progressively

1 increasing the overall attendance.

2 (H) The evidence-based or research-based practices
3 that are shown to reduce the gaps and disparities
4 experienced by African American students in academic
5 achievement and educational performance, including
6 practices that have been shown to reduce disparities
7 in disciplinary rates, drop-out rates, graduation
8 rates, college matriculation rates, and college
9 completion rates.

10 On or before December 31, 2021, the Panel shall report
11 to the State Board, the General Assembly, and the Governor
12 on the findings of its review. This paragraph (7) is
13 inoperative on and after July 1, 2022.

14 (j) References. Beginning July 1, 2017, references in
15 other laws to general State aid funds or calculations under
16 Section 18-8.05 of this Code (now repealed) shall be deemed to
17 be references to evidence-based model formula funds or
18 calculations under this Section.

19 (Source: P.A. 101-10, eff. 6-5-19; 101-17, eff. 6-14-19;
20 101-643, eff. 6-18-20; 101-654, eff. 3-8-21; 102-33, eff.
21 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21;
22 102-699, eff. 4-19-22; 102-782, eff. 1-1-23; 102-813, eff.
23 5-13-22; 102-894, eff. 5-20-22; revised 12-13-22.)

24 (105 ILCS 5/22-30)

25 Sec. 22-30. Self-administration and self-carry of asthma

1 medication and epinephrine injectors; administration of
2 undesignated epinephrine injectors; administration of an
3 opioid antagonist; administration of undesignated asthma
4 medication; asthma episode emergency response protocol.

5 (a) For the purpose of this Section only, the following
6 terms shall have the meanings set forth below:

7 "Asthma action plan" means a written plan developed with a
8 pupil's medical provider to help control the pupil's asthma.
9 The goal of an asthma action plan is to reduce or prevent
10 flare-ups and emergency department visits through day-to-day
11 management and to serve as a student-specific document to be
12 referenced in the event of an asthma episode.

13 "Asthma episode emergency response protocol" means a
14 procedure to provide assistance to a pupil experiencing
15 symptoms of wheezing, coughing, shortness of breath, chest
16 tightness, or breathing difficulty.

17 "Epinephrine injector" includes an auto-injector approved
18 by the United States Food and Drug Administration for the
19 administration of epinephrine and a pre-filled syringe
20 approved by the United States Food and Drug Administration and
21 used for the administration of epinephrine that contains a
22 pre-measured dose of epinephrine that is equivalent to the
23 dosages used in an auto-injector.

24 "Asthma medication" means quick-relief asthma medication,
25 including albuterol or other short-acting bronchodilators,
26 that is approved by the United States Food and Drug

1 Administration for the treatment of respiratory distress.
2 "Asthma medication" includes medication delivered through a
3 device, including a metered dose inhaler with a reusable or
4 disposable spacer or a nebulizer with a mouthpiece or mask.

5 "Opioid antagonist" means a drug that binds to opioid
6 receptors and blocks or inhibits the effect of opioids acting
7 on those receptors, including, but not limited to, naloxone
8 hydrochloride or any other similarly acting drug approved by
9 the U.S. Food and Drug Administration.

10 "Respiratory distress" means the perceived or actual
11 presence of wheezing, coughing, shortness of breath, chest
12 tightness, breathing difficulty, or any other symptoms
13 consistent with asthma. Respiratory distress may be
14 categorized as "mild-to-moderate" or "severe".

15 "School nurse" means a registered nurse working in a
16 school with or without licensure endorsed in school nursing.

17 "Self-administration" means a pupil's discretionary use of
18 his or her prescribed asthma medication or epinephrine
19 injector.

20 "Self-carry" means a pupil's ability to carry his or her
21 prescribed asthma medication or epinephrine injector.

22 "Standing protocol" may be issued by (i) a physician
23 licensed to practice medicine in all its branches, (ii) a
24 licensed physician assistant with prescriptive authority, or
25 (iii) a licensed advanced practice registered nurse with
26 prescriptive authority.

1 "Trained personnel" means any school employee or volunteer
2 personnel authorized in Sections 10-22.34, 10-22.34a, and
3 10-22.34b of this Code who has completed training under
4 subsection (g) of this Section to recognize and respond to
5 anaphylaxis, an opioid overdose, or respiratory distress.

6 "Undesignated asthma medication" means asthma medication
7 prescribed in the name of a school district, public school,
8 charter school, or nonpublic school.

9 "Undesignated epinephrine injector" means an epinephrine
10 injector prescribed in the name of a school district, public
11 school, charter school, or nonpublic school.

12 (b) A school, whether public, charter, or nonpublic, must
13 permit the self-administration and self-carry of asthma
14 medication by a pupil with asthma or the self-administration
15 and self-carry of an epinephrine injector by a pupil, provided
16 that:

17 (1) the parents or guardians of the pupil provide to
18 the school (i) written authorization from the parents or
19 guardians for (A) the self-administration and self-carry
20 of asthma medication or (B) the self-carry of asthma
21 medication or (ii) for (A) the self-administration and
22 self-carry of an epinephrine injector or (B) the
23 self-carry of an epinephrine injector, written
24 authorization from the pupil's physician, physician
25 assistant, or advanced practice registered nurse; and

26 (2) the parents or guardians of the pupil provide to

1 the school (i) the prescription label, which must contain
2 the name of the asthma medication, the prescribed dosage,
3 and the time at which or circumstances under which the
4 asthma medication is to be administered, or (ii) for the
5 self-administration or self-carry of an epinephrine
6 injector, a written statement from the pupil's physician,
7 physician assistant, or advanced practice registered nurse
8 containing the following information:

9 (A) the name and purpose of the epinephrine
10 injector;

11 (B) the prescribed dosage; and

12 (C) the time or times at which or the special
13 circumstances under which the epinephrine injector is
14 to be administered.

15 The information provided shall be kept on file in the office of
16 the school nurse or, in the absence of a school nurse, the
17 school's administrator.

18 (b-5) A school district, public school, charter school, or
19 nonpublic school may authorize the provision of a
20 student-specific or undesignated epinephrine injector to a
21 student or any personnel authorized under a student's
22 Individual Health Care Action Plan, allergy emergency action
23 plan ~~Illinois Food Allergy Emergency Action Plan and Treatment~~
24 ~~Authorization Form~~, or plan pursuant to Section 504 of the
25 federal Rehabilitation Act of 1973 to administer an
26 epinephrine injector to the student, that meets the student's

1 prescription on file.

2 (b-10) The school district, public school, charter school,
3 or nonpublic school may authorize a school nurse or trained
4 personnel to do the following: (i) provide an undesignated
5 epinephrine injector to a student for self-administration only
6 or any personnel authorized under a student's Individual
7 Health Care Action Plan, Illinois Food Allergy Emergency
8 Action Plan and Treatment Authorization Form, plan pursuant to
9 Section 504 of the federal Rehabilitation Act of 1973, or
10 individualized education program plan to administer to the
11 student that meets the student's prescription on file; (ii)
12 administer an undesignated epinephrine injector that meets the
13 prescription on file to any student who has an Individual
14 Health Care Action Plan, allergy emergency action plan
15 ~~Illinois Food Allergy Emergency Action Plan and Treatment~~
16 ~~Authorization Form~~, plan pursuant to Section 504 of the
17 federal Rehabilitation Act of 1973, or individualized
18 education program plan that authorizes the use of an
19 epinephrine injector; (iii) administer an undesignated
20 epinephrine injector to any person that the school nurse or
21 trained personnel in good faith believes is having an
22 anaphylactic reaction; (iv) administer an opioid antagonist to
23 any person that the school nurse or trained personnel in good
24 faith believes is having an opioid overdose; (v) provide
25 undesignated asthma medication to a student for
26 self-administration only or to any personnel authorized under

1 a student's Individual Health Care Action Plan or asthma
2 action plan, plan pursuant to Section 504 of the federal
3 Rehabilitation Act of 1973, or individualized education
4 program plan to administer to the student that meets the
5 student's prescription on file; (vi) administer undesignated
6 asthma medication that meets the prescription on file to any
7 student who has an Individual Health Care Action Plan or
8 asthma action plan, plan pursuant to Section 504 of the
9 federal Rehabilitation Act of 1973, or individualized
10 education program plan that authorizes the use of asthma
11 medication; and (vii) administer undesignated asthma
12 medication to any person that the school nurse or trained
13 personnel believes in good faith is having respiratory
14 distress.

15 (c) The school district, public school, charter school, or
16 nonpublic school must inform the parents or guardians of the
17 pupil, in writing, that the school district, public school,
18 charter school, or nonpublic school and its employees and
19 agents, including a physician, physician assistant, or
20 advanced practice registered nurse providing standing protocol
21 and a prescription for school epinephrine injectors, an opioid
22 antagonist, or undesignated asthma medication, are to incur no
23 liability or professional discipline, except for willful and
24 wanton conduct, as a result of any injury arising from the
25 administration of asthma medication, an epinephrine injector,
26 or an opioid antagonist regardless of whether authorization

1 was given by the pupil's parents or guardians or by the pupil's
2 physician, physician assistant, or advanced practice
3 registered nurse. The parents or guardians of the pupil must
4 sign a statement acknowledging that the school district,
5 public school, charter school, or nonpublic school and its
6 employees and agents are to incur no liability, except for
7 willful and wanton conduct, as a result of any injury arising
8 from the administration of asthma medication, an epinephrine
9 injector, or an opioid antagonist regardless of whether
10 authorization was given by the pupil's parents or guardians or
11 by the pupil's physician, physician assistant, or advanced
12 practice registered nurse and that the parents or guardians
13 must indemnify and hold harmless the school district, public
14 school, charter school, or nonpublic school and its employees
15 and agents against any claims, except a claim based on willful
16 and wanton conduct, arising out of the administration of
17 asthma medication, an epinephrine injector, or an opioid
18 antagonist regardless of whether authorization was given by
19 the pupil's parents or guardians or by the pupil's physician,
20 physician assistant, or advanced practice registered nurse.

21 (c-5) When a school nurse or trained personnel administers
22 an undesignated epinephrine injector to a person whom the
23 school nurse or trained personnel in good faith believes is
24 having an anaphylactic reaction, administers an opioid
25 antagonist to a person whom the school nurse or trained
26 personnel in good faith believes is having an opioid overdose,

1 or administers undesignated asthma medication to a person whom
2 the school nurse or trained personnel in good faith believes
3 is having respiratory distress, notwithstanding the lack of
4 notice to the parents or guardians of the pupil or the absence
5 of the parents or guardians signed statement acknowledging no
6 liability, except for willful and wanton conduct, the school
7 district, public school, charter school, or nonpublic school
8 and its employees and agents, and a physician, a physician
9 assistant, or an advanced practice registered nurse providing
10 standing protocol and a prescription for undesignated
11 epinephrine injectors, an opioid antagonist, or undesignated
12 asthma medication, are to incur no liability or professional
13 discipline, except for willful and wanton conduct, as a result
14 of any injury arising from the use of an undesignated
15 epinephrine injector, the use of an opioid antagonist, or the
16 use of undesignated asthma medication, regardless of whether
17 authorization was given by the pupil's parents or guardians or
18 by the pupil's physician, physician assistant, or advanced
19 practice registered nurse.

20 (d) The permission for self-administration and self-carry
21 of asthma medication or the self-administration and self-carry
22 of an epinephrine injector is effective for the school year
23 for which it is granted and shall be renewed each subsequent
24 school year upon fulfillment of the requirements of this
25 Section.

26 (e) Provided that the requirements of this Section are

1 fulfilled, a pupil with asthma may self-administer and
2 self-carry his or her asthma medication or a pupil may
3 self-administer and self-carry an epinephrine injector (i)
4 while in school, (ii) while at a school-sponsored activity,
5 (iii) while under the supervision of school personnel, or (iv)
6 before or after normal school activities, such as while in
7 before-school or after-school care on school-operated property
8 or while being transported on a school bus.

9 (e-5) Provided that the requirements of this Section are
10 fulfilled, a school nurse or trained personnel may administer
11 an undesignated epinephrine injector to any person whom the
12 school nurse or trained personnel in good faith believes to be
13 having an anaphylactic reaction (i) while in school, (ii)
14 while at a school-sponsored activity, (iii) while under the
15 supervision of school personnel, or (iv) before or after
16 normal school activities, such as while in before-school or
17 after-school care on school-operated property or while being
18 transported on a school bus. A school nurse or trained
19 personnel may carry undesignated epinephrine injectors on his
20 or her person while in school or at a school-sponsored
21 activity.

22 (e-10) Provided that the requirements of this Section are
23 fulfilled, a school nurse or trained personnel may administer
24 an opioid antagonist to any person whom the school nurse or
25 trained personnel in good faith believes to be having an
26 opioid overdose (i) while in school, (ii) while at a

1 school-sponsored activity, (iii) while under the supervision
2 of school personnel, or (iv) before or after normal school
3 activities, such as while in before-school or after-school
4 care on school-operated property. A school nurse or trained
5 personnel may carry an opioid antagonist on his or her person
6 while in school or at a school-sponsored activity.

7 (e-15) If the requirements of this Section are met, a
8 school nurse or trained personnel may administer undesignated
9 asthma medication to any person whom the school nurse or
10 trained personnel in good faith believes to be experiencing
11 respiratory distress (i) while in school, (ii) while at a
12 school-sponsored activity, (iii) while under the supervision
13 of school personnel, or (iv) before or after normal school
14 activities, including before-school or after-school care on
15 school-operated property. A school nurse or trained personnel
16 may carry undesignated asthma medication on his or her person
17 while in school or at a school-sponsored activity.

18 (f) The school district, public school, charter school, or
19 nonpublic school may maintain a supply of undesignated
20 epinephrine injectors in any secure location that is
21 accessible before, during, and after school where an allergic
22 person is most at risk, including, but not limited to,
23 classrooms and lunchrooms. A physician, a physician assistant
24 who has prescriptive authority in accordance with Section 7.5
25 of the Physician Assistant Practice Act of 1987, or an
26 advanced practice registered nurse who has prescriptive

1 authority in accordance with Section 65-40 of the Nurse
2 Practice Act may prescribe undesignated epinephrine injectors
3 in the name of the school district, public school, charter
4 school, or nonpublic school to be maintained for use when
5 necessary. Any supply of epinephrine injectors shall be
6 maintained in accordance with the manufacturer's instructions.

7 The school district, public school, charter school, or
8 nonpublic school may maintain a supply of an opioid antagonist
9 in any secure location where an individual may have an opioid
10 overdose. A health care professional who has been delegated
11 prescriptive authority for opioid antagonists in accordance
12 with Section 5-23 of the Substance Use Disorder Act may
13 prescribe opioid antagonists in the name of the school
14 district, public school, charter school, or nonpublic school,
15 to be maintained for use when necessary. Any supply of opioid
16 antagonists shall be maintained in accordance with the
17 manufacturer's instructions.

18 The school district, public school, charter school, or
19 nonpublic school may maintain a supply of asthma medication in
20 any secure location that is accessible before, during, or
21 after school where a person is most at risk, including, but not
22 limited to, a classroom or the nurse's office. A physician, a
23 physician assistant who has prescriptive authority under
24 Section 7.5 of the Physician Assistant Practice Act of 1987,
25 or an advanced practice registered nurse who has prescriptive
26 authority under Section 65-40 of the Nurse Practice Act may

1 prescribe undesignated asthma medication in the name of the
2 school district, public school, charter school, or nonpublic
3 school to be maintained for use when necessary. Any supply of
4 undesignated asthma medication must be maintained in
5 accordance with the manufacturer's instructions.

6 (f-3) Whichever entity initiates the process of obtaining
7 undesignated epinephrine injectors and providing training to
8 personnel for carrying and administering undesignated
9 epinephrine injectors shall pay for the costs of the
10 undesignated epinephrine injectors.

11 (f-5) Upon any administration of an epinephrine injector,
12 a school district, public school, charter school, or nonpublic
13 school must immediately activate the EMS system and notify the
14 student's parent, guardian, or emergency contact, if known.

15 Upon any administration of an opioid antagonist, a school
16 district, public school, charter school, or nonpublic school
17 must immediately activate the EMS system and notify the
18 student's parent, guardian, or emergency contact, if known.

19 (f-10) Within 24 hours of the administration of an
20 undesignated epinephrine injector, a school district, public
21 school, charter school, or nonpublic school must notify the
22 physician, physician assistant, or advanced practice
23 registered nurse who provided the standing protocol and a
24 prescription for the undesignated epinephrine injector of its
25 use.

26 Within 24 hours after the administration of an opioid

1 antagonist, a school district, public school, charter school,
2 or nonpublic school must notify the health care professional
3 who provided the prescription for the opioid antagonist of its
4 use.

5 Within 24 hours after the administration of undesignated
6 asthma medication, a school district, public school, charter
7 school, or nonpublic school must notify the student's parent
8 or guardian or emergency contact, if known, and the physician,
9 physician assistant, or advanced practice registered nurse who
10 provided the standing protocol and a prescription for the
11 undesignated asthma medication of its use. The district or
12 school must follow up with the school nurse, if available, and
13 may, with the consent of the child's parent or guardian,
14 notify the child's health care provider of record, as
15 determined under this Section, of its use.

16 (g) Prior to the administration of an undesignated
17 epinephrine injector, trained personnel must submit to the
18 school's administration proof of completion of a training
19 curriculum to recognize and respond to anaphylaxis that meets
20 the requirements of subsection (h) of this Section. Training
21 must be completed annually. The school district, public
22 school, charter school, or nonpublic school must maintain
23 records related to the training curriculum and trained
24 personnel.

25 Prior to the administration of an opioid antagonist,
26 trained personnel must submit to the school's administration

1 proof of completion of a training curriculum to recognize and
2 respond to an opioid overdose, which curriculum must meet the
3 requirements of subsection (h-5) of this Section. Training
4 must be completed annually. Trained personnel must also submit
5 to the school's administration proof of cardiopulmonary
6 resuscitation and automated external defibrillator
7 certification. The school district, public school, charter
8 school, or nonpublic school must maintain records relating to
9 the training curriculum and the trained personnel.

10 Prior to the administration of undesignated asthma
11 medication, trained personnel must submit to the school's
12 administration proof of completion of a training curriculum to
13 recognize and respond to respiratory distress, which must meet
14 the requirements of subsection (h-10) of this Section.
15 Training must be completed annually, and the school district,
16 public school, charter school, or nonpublic school must
17 maintain records relating to the training curriculum and the
18 trained personnel.

19 (h) A training curriculum to recognize and respond to
20 anaphylaxis, including the administration of an undesignated
21 epinephrine injector, may be conducted online or in person.

22 Training shall include, but is not limited to:

23 (1) how to recognize signs and symptoms of an allergic
24 reaction, including anaphylaxis;

25 (2) how to administer an epinephrine injector; and

26 (3) a test demonstrating competency of the knowledge

1 required to recognize anaphylaxis and administer an
2 epinephrine injector.

3 Training may also include, but is not limited to:

4 (A) a review of high-risk areas within a school and
5 its related facilities;

6 (B) steps to take to prevent exposure to allergens;

7 (C) emergency follow-up procedures, including the
8 importance of calling 9-1-1 or, if 9-1-1 is not available,
9 other local emergency medical services;

10 (D) how to respond to a student with a known allergy,
11 as well as a student with a previously unknown allergy;

12 (E) other criteria as determined in rules adopted
13 pursuant to this Section; and

14 (F) any policy developed by the State Board of
15 Education under Section 2-3.190.

16 In consultation with statewide professional organizations
17 representing physicians licensed to practice medicine in all
18 of its branches, registered nurses, and school nurses, the
19 State Board of Education shall make available resource
20 materials consistent with criteria in this subsection (h) for
21 educating trained personnel to recognize and respond to
22 anaphylaxis. The State Board may take into consideration the
23 curriculum on this subject developed by other states, as well
24 as any other curricular materials suggested by medical experts
25 and other groups that work on life-threatening allergy issues.
26 The State Board is not required to create new resource

1 materials. The State Board shall make these resource materials
2 available on its Internet website.

3 (h-5) A training curriculum to recognize and respond to an
4 opioid overdose, including the administration of an opioid
5 antagonist, may be conducted online or in person. The training
6 must comply with any training requirements under Section 5-23
7 of the Substance Use Disorder Act and the corresponding rules.
8 It must include, but is not limited to:

9 (1) how to recognize symptoms of an opioid overdose;

10 (2) information on drug overdose prevention and
11 recognition;

12 (3) how to perform rescue breathing and resuscitation;

13 (4) how to respond to an emergency involving an opioid
14 overdose;

15 (5) opioid antagonist dosage and administration;

16 (6) the importance of calling 9-1-1 or, if 9-1-1 is
17 not available, other local emergency medical services;

18 (7) care for the overdose victim after administration
19 of the overdose antagonist;

20 (8) a test demonstrating competency of the knowledge
21 required to recognize an opioid overdose and administer a
22 dose of an opioid antagonist; and

23 (9) other criteria as determined in rules adopted
24 pursuant to this Section.

25 (h-10) A training curriculum to recognize and respond to
26 respiratory distress, including the administration of

1 undesignated asthma medication, may be conducted online or in
2 person. The training must include, but is not limited to:

3 (1) how to recognize symptoms of respiratory distress
4 and how to distinguish respiratory distress from
5 anaphylaxis;

6 (2) how to respond to an emergency involving
7 respiratory distress;

8 (3) asthma medication dosage and administration;

9 (4) the importance of calling 9-1-1 or, if 9-1-1 is
10 not available, other local emergency medical services;

11 (5) a test demonstrating competency of the knowledge
12 required to recognize respiratory distress and administer
13 asthma medication; and

14 (6) other criteria as determined in rules adopted
15 under this Section.

16 (i) Within 3 days after the administration of an
17 undesignated epinephrine injector by a school nurse, trained
18 personnel, or a student at a school or school-sponsored
19 activity, the school must report to the State Board of
20 Education in a form and manner prescribed by the State Board
21 the following information:

22 (1) age and type of person receiving epinephrine
23 (student, staff, visitor);

24 (2) any previously known diagnosis of a severe
25 allergy;

26 (3) trigger that precipitated allergic episode;

- 1 (4) location where symptoms developed;
- 2 (5) number of doses administered;
- 3 (6) type of person administering epinephrine (school
4 nurse, trained personnel, student); and
- 5 (7) any other information required by the State Board.

6 If a school district, public school, charter school, or
7 nonpublic school maintains or has an independent contractor
8 providing transportation to students who maintains a supply of
9 undesignated epinephrine injectors, then the school district,
10 public school, charter school, or nonpublic school must report
11 that information to the State Board of Education upon adoption
12 or change of the policy of the school district, public school,
13 charter school, nonpublic school, or independent contractor,
14 in a manner as prescribed by the State Board. The report must
15 include the number of undesignated epinephrine injectors in
16 supply.

17 (i-5) Within 3 days after the administration of an opioid
18 antagonist by a school nurse or trained personnel, the school
19 must report to the State Board of Education, in a form and
20 manner prescribed by the State Board, the following
21 information:

- 22 (1) the age and type of person receiving the opioid
23 antagonist (student, staff, or visitor);
- 24 (2) the location where symptoms developed;
- 25 (3) the type of person administering the opioid
26 antagonist (school nurse or trained personnel); and

1 (4) any other information required by the State Board.

2 (i-10) Within 3 days after the administration of
3 undesignated asthma medication by a school nurse, trained
4 personnel, or a student at a school or school-sponsored
5 activity, the school must report to the State Board of
6 Education, on a form and in a manner prescribed by the State
7 Board of Education, the following information:

8 (1) the age and type of person receiving the asthma
9 medication (student, staff, or visitor);

10 (2) any previously known diagnosis of asthma for the
11 person;

12 (3) the trigger that precipitated respiratory
13 distress, if identifiable;

14 (4) the location of where the symptoms developed;

15 (5) the number of doses administered;

16 (6) the type of person administering the asthma
17 medication (school nurse, trained personnel, or student);

18 (7) the outcome of the asthma medication
19 administration; and

20 (8) any other information required by the State Board.

21 (j) By October 1, 2015 and every year thereafter, the
22 State Board of Education shall submit a report to the General
23 Assembly identifying the frequency and circumstances of
24 undesignated epinephrine and undesignated asthma medication
25 administration during the preceding academic year. Beginning
26 with the 2017 report, the report shall also contain

1 information on which school districts, public schools, charter
2 schools, and nonpublic schools maintain or have independent
3 contractors providing transportation to students who maintain
4 a supply of undesignated epinephrine injectors. This report
5 shall be published on the State Board's Internet website on
6 the date the report is delivered to the General Assembly.

7 (j-5) Annually, each school district, public school,
8 charter school, or nonpublic school shall request an asthma
9 action plan from the parents or guardians of a pupil with
10 asthma. If provided, the asthma action plan must be kept on
11 file in the office of the school nurse or, in the absence of a
12 school nurse, the school administrator. Copies of the asthma
13 action plan may be distributed to appropriate school staff who
14 interact with the pupil on a regular basis, and, if
15 applicable, may be attached to the pupil's federal Section 504
16 plan or individualized education program plan.

17 (j-10) To assist schools with emergency response
18 procedures for asthma, the State Board of Education, in
19 consultation with statewide professional organizations with
20 expertise in asthma management and a statewide organization
21 representing school administrators, shall develop a model
22 asthma episode emergency response protocol before September 1,
23 2016. Each school district, charter school, and nonpublic
24 school shall adopt an asthma episode emergency response
25 protocol before January 1, 2017 that includes all of the
26 components of the State Board's model protocol.

1 (j-15) Every 2 years, school personnel who work with
2 pupils shall complete an in-person or online training program
3 on the management of asthma, the prevention of asthma
4 symptoms, and emergency response in the school setting. In
5 consultation with statewide professional organizations with
6 expertise in asthma management, the State Board of Education
7 shall make available resource materials for educating school
8 personnel about asthma and emergency response in the school
9 setting.

10 (j-20) On or before October 1, 2016 and every year
11 thereafter, the State Board of Education shall submit a report
12 to the General Assembly and the Department of Public Health
13 identifying the frequency and circumstances of opioid
14 antagonist administration during the preceding academic year.
15 This report shall be published on the State Board's Internet
16 website on the date the report is delivered to the General
17 Assembly.

18 (k) The State Board of Education may adopt rules necessary
19 to implement this Section.

20 (l) Nothing in this Section shall limit the amount of
21 epinephrine injectors that any type of school or student may
22 carry or maintain a supply of.

23 (Source: P.A. 101-81, eff. 7-12-19; 102-413, eff. 8-20-21;
24 102-813, eff. 5-13-22.)

25 (105 ILCS 5/27-23.1) (from Ch. 122, par. 27-23.1)

1 Sec. 27-23.1. Parenting education.

2 (a) The State Board of Education must assist each school
3 district that offers an evidence-based parenting education
4 model. School districts may provide instruction in parenting
5 education for grades 6 through 12 and include such instruction
6 in the courses of study regularly taught therein. School
7 districts may give regular school credit for satisfactory
8 completion by the student of such courses.

9 As used in this subsection (a), "parenting education"
10 means and includes instruction in the following:

11 (1) Child growth and development, including prenatal
12 development.

13 (2) Childbirth and child care.

14 (3) Family structure, function and management.

15 (4) Prenatal and postnatal care for mothers and
16 infants.

17 (5) Prevention of child abuse.

18 (6) The physical, mental, emotional, social, economic
19 and psychological aspects of interpersonal and family
20 relationships.

21 (7) Parenting skill development.

22 The State Board of Education shall assist those districts
23 offering parenting education instruction, upon request, in
24 developing instructional materials, training teachers, and
25 establishing appropriate time allotments for each of the areas
26 included in such instruction.

1 School districts may offer parenting education courses
2 during that period of the day which is not part of the regular
3 school day. Residents of the school district may enroll in
4 such courses. The school board may establish fees and collect
5 such charges as may be necessary for attendance at such
6 courses in an amount not to exceed the per capita cost of the
7 operation thereof, except that the board may waive all or part
8 of such charges if it determines that the individual is
9 indigent or that the educational needs of the individual
10 requires his or her attendance at such courses.

11 (b) Beginning with the 2019-2020 school year, from
12 appropriations made for the purposes of this Section, the
13 State Board of Education shall implement and administer a
14 3-year pilot program supporting the health and wellness
15 student-learning requirement by utilizing a unit of
16 instruction on parenting education in participating school
17 districts that maintain grades 9 through 12, to be determined
18 by the participating school districts. The program is
19 encouraged to include, but is not be limited to, instruction
20 on (i) family structure, function, and management, (ii) the
21 prevention of child abuse, (iii) the physical, mental,
22 emotional, social, economic, and psychological aspects of
23 interpersonal and family relationships, and (iv) parenting
24 education competency development that is aligned to the social
25 and emotional learning standards of the student's grade level.
26 Instruction under this subsection (b) may be included in the

1 Comprehensive Health Education Program set forth under Section
2 3 of the Critical Health Problems and Comprehensive Health
3 Education Act. The State Board of Education is authorized to
4 make grants to school districts that apply to participate in
5 the pilot program under this subsection (b). ~~The State Board
6 of Education shall by rule provide for the form of the
7 application and criteria to be used and applied in selecting
8 participating urban, suburban, and rural school districts.~~ The
9 provisions of this subsection (b), other than this sentence,
10 are inoperative at the conclusion of the pilot program.

11 (Source: P.A. 100-1043, eff. 8-23-18.)

12 (105 ILCS 5/27A-3)

13 Sec. 27A-3. Definitions. For purposes of this Article:

14 "At-risk pupil" means a pupil who, because of physical,
15 emotional, socioeconomic, or cultural factors, is less likely
16 to succeed in a conventional educational environment.

17 "Authorizer" means an entity authorized under this Article
18 to review applications, decide whether to approve or reject
19 applications, enter into charter contracts with applicants,
20 oversee charter schools, and decide whether to renew, not
21 renew, or revoke a charter.

22 ~~"Commission" means the State Charter School Commission
23 established under Section 27A-7.5 of this Code.~~

24 "Local school board" means the duly elected or appointed
25 school board or board of education of a public school

1 district, including special charter districts and school
2 districts located in cities having a population of more than
3 500,000, organized under the laws of this State.

4 "State Board" means the State Board of Education.

5 (Source: P.A. 97-152, eff. 7-20-11.)

6 (105 ILCS 5/27A-4)

7 Sec. 27A-4. General provisions.

8 (a) The General Assembly does not intend to alter or amend
9 the provisions of any court-ordered desegregation plan in
10 effect for any school district. A charter school shall be
11 subject to all federal and State laws and constitutional
12 provisions prohibiting discrimination on the basis of
13 disability, race, creed, color, gender, national origin,
14 religion, ancestry, marital status, or need for special
15 education services.

16 (b) The total number of charter schools operating under
17 this Article at any one time shall not exceed 120. Not more
18 than 70 charter schools shall operate at any one time in any
19 city having a population exceeding 500,000, with at least 5
20 charter schools devoted exclusively to students from
21 low-performing or overcrowded schools operating at any one
22 time in that city; and not more than 45 charter schools shall
23 operate at any one time in the remainder of the State, with not
24 more than one charter school that has been initiated by a board
25 of education, or by an intergovernmental agreement between or

1 among boards of education, operating at any one time in the
2 school district where the charter school is located. In
3 addition to these charter schools, up to but no more than 5
4 charter schools devoted exclusively to re-enrolled high school
5 dropouts and/or students 16 or 15 years old at risk of dropping
6 out may operate at any one time in any city having a population
7 exceeding 500,000. Notwithstanding any provision to the
8 contrary in subsection (b) of Section 27A-5 of this Code, each
9 such dropout charter may operate up to 15 campuses within the
10 city. Any of these dropout charters may have a maximum of 1,875
11 enrollment seats, any one of the campuses of the dropout
12 charter may have a maximum of 165 enrollment seats, and each
13 campus of the dropout charter must be operated, through a
14 contract or payroll, by the same legal entity as that for which
15 the charter is approved and certified.

16 For purposes of implementing this Section, the State Board
17 shall assign a number to each charter submission it receives
18 under Section 27A-6 for its review and certification, based on
19 the chronological order in which the submission is received by
20 it. The State Board shall promptly notify local school boards
21 when the maximum numbers of certified charter schools
22 authorized to operate have been reached.

23 (c) No charter shall be granted under this Article that
24 would convert any existing private, parochial, or non-public
25 school to a charter school.

26 (d) Enrollment in a charter school shall be open to any

1 pupil who resides within the geographic boundaries of the area
2 served by the local school board, provided that the board of
3 education in a city having a population exceeding 500,000 may
4 designate attendance boundaries for no more than one-third of
5 the charter schools permitted in the city if the board of
6 education determines that attendance boundaries are needed to
7 relieve overcrowding or to better serve low-income and at-risk
8 students. Students residing within an attendance boundary may
9 be given priority for enrollment, but must not be required to
10 attend the charter school.

11 (e) Nothing in this Article shall prevent 2 or more local
12 school boards from jointly issuing a charter to a single
13 shared charter school, provided that all of the provisions of
14 this Article are met as to those local school boards.

15 (f) No local school board shall require any employee of
16 the school district to be employed in a charter school.

17 (g) No local school board shall require any pupil residing
18 within the geographic boundary of its district to enroll in a
19 charter school.

20 (h) If there are more eligible applicants for enrollment
21 in a charter school than there are spaces available,
22 successful applicants shall be selected by lottery. However,
23 priority shall be given to siblings of pupils enrolled in the
24 charter school and to pupils who were enrolled in the charter
25 school the previous school year, unless expelled for cause,
26 and priority may be given to pupils residing within the

1 charter school's attendance boundary, if a boundary has been
2 designated by the board of education in a city having a
3 population exceeding 500,000.

4 ~~Any Beginning with student enrollment for the 2015-2016~~
5 ~~school year, any~~ lottery required under this subsection (h)
6 must be administered and videotaped by the charter school. The
7 authorizer or its designee must be allowed to be present or
8 view the lottery in real time. The charter school must
9 maintain a videotaped record of the lottery, including a
10 time/date stamp. The charter school shall transmit copies of
11 the videotape and all records relating to the lottery to the
12 authorizer on or before September 1 of each year.

13 Subject to the requirements for priority applicant groups
14 set forth in paragraph (1) of this subsection (h), any lottery
15 required under this subsection (h) must be administered in a
16 way that provides each student an equal chance at admission.
17 If an authorizer makes a determination that a charter school's
18 lottery is in violation of this subsection (h), it may
19 administer the lottery directly. After a lottery, each student
20 randomly selected for admission to the charter school must be
21 notified. Charter schools may not create an admissions process
22 subsequent to a lottery that may operate as a barrier to
23 registration or enrollment.

24 Charter schools may undertake additional intake
25 activities, including without limitation student essays,
26 school-parent compacts, or open houses, but in no event may a

1 charter school require participation in these activities as a
2 condition of enrollment. A charter school must submit an
3 updated waitlist to the authorizer on a quarterly basis. A
4 waitlist must be submitted to the authorizer at the same time
5 as quarterly financial statements, if quarterly financial
6 statements are required by the authorizer.

7 Dual enrollment at both a charter school and a public
8 school or non-public school shall not be allowed. A pupil who
9 is suspended or expelled from a charter school shall be deemed
10 to be suspended or expelled from the public schools of the
11 school district in which the pupil resides. Notwithstanding
12 anything to the contrary in this subsection (h):

13 (1) any charter school with a mission exclusive to
14 educating high school dropouts may grant priority
15 admission to students who are high school dropouts and/or
16 students 16 or 15 years old at risk of dropping out and any
17 charter school with a mission exclusive to educating
18 students from low-performing or overcrowded schools may
19 restrict admission to students who are from low-performing
20 or overcrowded schools; "priority admission" for charter
21 schools exclusively devoted to re-enrolled dropouts or
22 students at risk of dropping out means a minimum of 90% of
23 students enrolled shall be high school dropouts; and

24 (2) any charter school located in a school district
25 that contains all or part of a federal military base may
26 set aside up to 33% of its current charter enrollment to

1 students with parents assigned to the federal military
2 base, with the remaining 67% subject to the general
3 enrollment and lottery requirements of subsection (d) of
4 this Section and this subsection (h); if a student with a
5 parent assigned to the federal military base withdraws
6 from the charter school during the course of a school year
7 for reasons other than grade promotion, those students
8 with parents assigned to the federal military base shall
9 have preference in filling the vacancy.

10 (i) (Blank).

11 (j) Notwithstanding any other provision of law to the
12 contrary, a school district in a city having a population
13 exceeding 500,000 shall not have a duty to collectively
14 bargain with an exclusive representative of its employees over
15 decisions to grant or deny a charter school proposal under
16 Section 27A-8 of this Code, decisions to renew or revoke a
17 charter under Section 27A-9 of this Code, and the impact of
18 these decisions, provided that nothing in this Section shall
19 have the effect of negating, abrogating, replacing, reducing,
20 diminishing, or limiting in any way employee rights,
21 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
22 14, and 15 of the Illinois Educational Labor Relations Act.

23 (k) In this Section:

24 "Low-performing school" means a public school in a school
25 district organized under Article 34 of this Code that enrolls
26 students in any of grades kindergarten through 8 and that is

1 ranked within the lowest 10% of schools in that district in
2 terms of the percentage of students meeting or exceeding
3 standards on the assessments required under Section 2-3.64a-5
4 of this Code.

5 "Overcrowded school" means a public school in a school
6 district organized under Article 34 of this Code that (i)
7 enrolls students in any of grades kindergarten through 8, (ii)
8 has a percentage of low-income students of 70% or more, as
9 identified in the most recently available School Report Card
10 published by the State Board ~~of Education~~, and (iii) is
11 determined by the Chicago Board of Education to be in the most
12 severely overcrowded 5% of schools in the district. On or
13 before November 1 of each year, the Chicago Board of Education
14 shall file a report with the State Board ~~of Education~~ on which
15 schools in the district meet the definition of "overcrowded
16 school". "Students at risk of dropping out" means students 16
17 or 15 years old in a public school in a district organized
18 under Article 34 of this Code that enrolls students in any
19 grades 9-12 who have been absent at least 90 school attendance
20 days of the previous 180 school attendance days.

21 (1) For advertisements created after January 1, 2015 ~~(the~~
22 ~~effective date of Public Act 98-783)~~, any advertisement,
23 including a radio, television, print, Internet, social media,
24 or billboard advertisement, purchased by a school district or
25 public school, including a charter school, with public funds
26 must include a disclaimer stating that the advertisement was

1 paid for using public funds.

2 This disclaimer requirement does not extend to materials
3 created by the charter school, including, but not limited to,
4 a school website, informational pamphlets or leaflets, or
5 clothing with affixed school logos.

6 (Source: P.A. 98-474, eff. 8-16-13; 98-783, eff. 1-1-15;
7 98-972, eff. 8-15-14; 99-78, eff. 7-20-15.)

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. In
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
23 the charter school shall be limited to one campus. This
24 limitation does ~~The changes made to this Section by Public Act~~
25 ~~93-3 do~~ not apply to charter schools existing or approved on or

1 before April 16, 2003 ~~(the effective date of Public Act 93-3)~~.

2 (b-5) (Blank). ~~In this subsection (b-5),~~
3 ~~"virtual schooling" means a cyber school where students engage~~
4 ~~in online curriculum and instruction via the Internet and~~
5 ~~electronic communication with their teachers at remote~~
6 ~~locations and with students 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. A ~~No later than January 1, 2021 (one~~
21 ~~year after the effective date of Public Act 101-291), a~~
22 charter school's board of directors or other governing body
23 must include at least one parent or guardian of a pupil
24 currently enrolled in the charter school who may be selected
25 through the charter school or a charter network election,
26 appointment by the charter school's board of directors or

1 other governing body, or by the charter school's Parent
2 Teacher Organization 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. ~~The On or before~~
11 ~~September 1, 2015, the~~ State Board shall promulgate and post
12 on its Internet website a list of non-curricular health and
13 safety requirements that a charter school must meet. The list
14 shall be updated annually no later than September 1. Any
15 charter contract between a charter school and its authorizer
16 must contain a provision that requires the charter school to
17 follow the list of all non-curricular health and safety
18 requirements promulgated by the State Board and any
19 non-curricular health and safety requirements added by the
20 State Board to such list during the term of the charter.
21 Nothing in this subsection (d) precludes an authorizer from
22 including non-curricular health and safety requirements in a
23 charter school contract that are not contained in the list
24 promulgated by the State Board, including non-curricular
25 health and safety requirements of the authorizing local school
26 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 (25) Section 2-3.188 of this Code;
15 (26) Section 22-85.5 of this Code;
16 (27) subsections ~~Subsections~~ (d-10), (d-15), and
17 (d-20) of Section 10-20.56 of this Code; ~~and~~
18 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
19 (29) ~~(27)~~ Section 10-20.13 of this Code;
20 (30) ~~(28)~~ Section 28-19.2 of this Code; and
21 (31) ~~(29)~~ Section 34-21.6 of this Code.

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

24 (h) A charter school may negotiate and contract with a
25 school district, the governing body of a State college or
26 university or public community college, or any other public or

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

24 (i) In no event shall a charter school that is established
25 by converting an existing school or attendance center to
26 charter school status be required to pay rent for space that is

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

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

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

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

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

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

22 (a) A charter school shall be a public, nonsectarian,
23 nonreligious, non-home based, and non-profit school. A charter
24 school shall be organized and operated as a nonprofit
25 corporation or other discrete, legal, nonprofit entity

1 authorized under the laws of the State of Illinois.

2 (b) A charter school may be established under this Article
3 by creating a new school or by converting an existing public
4 school or attendance center to charter school status. In
5 ~~Beginning on April 16, 2003 (the effective date of Public Act~~
6 ~~93-3),~~ in all new applications to establish a charter school
7 in a city having a population exceeding 500,000, operation of
8 the charter school shall be limited to one campus. This
9 limitation does ~~The changes made to this Section by Public Act~~
10 ~~93-3 do~~ not apply to charter schools existing or approved on or
11 before April 16, 2003 ~~(the effective date of Public Act 93-3).~~

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

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

26 (c) A charter school shall be administered and governed by

1 its board of directors or other governing body in the manner
2 provided in its charter. The governing body of a charter
3 school shall be subject to the Freedom of Information Act and
4 the Open Meetings Act. ~~A No later than January 1, 2021 (one~~
5 ~~year after the effective date of Public Act 101-291), a~~
6 charter school's board of directors or other governing body
7 must include at least one parent or guardian of a pupil
8 currently enrolled in the charter school who may be selected
9 through the charter school or a charter network election,
10 appointment by the charter school's board of directors or
11 other governing body, or by the charter school's Parent
12 Teacher Organization or its equivalent.

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

1 professional development training in these same areas. The
2 training under this subsection may be provided or certified by
3 a statewide charter school membership association or may be
4 provided or certified by other qualified providers approved by
5 the State Board ~~of Education~~.

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

18 A charter school shall comply with all non-curricular
19 health and safety requirements applicable to public schools
20 under the laws of the State of Illinois. ~~The On or before~~
21 ~~September 1, 2015,~~ the State Board shall promulgate and post
22 on its Internet website a list of non-curricular health and
23 safety requirements that a charter school must meet. The list
24 shall be updated annually no later than September 1. Any
25 charter contract between a charter school and its authorizer
26 must contain a provision that requires the charter school to

1 follow the list of all non-curricular health and safety
2 requirements promulgated by the State Board and any
3 non-curricular health and safety requirements added by the
4 State Board to such list during the term of the charter.
5 Nothing in this subsection (d) precludes an authorizer from
6 including non-curricular health and safety requirements in a
7 charter school contract that are not contained in the list
8 promulgated by the State Board, including non-curricular
9 health and safety requirements of the authorizing local school
10 board.

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

15 (f) A charter school shall be responsible for the
16 management and operation of its fiscal affairs, including, but
17 not limited to, the preparation of its budget. An audit of each
18 charter school's finances shall be conducted annually by an
19 outside, independent contractor retained by the charter
20 school. The contractor shall not be an employee of the charter
21 school or affiliated with the charter school or its authorizer
22 in any way, other than to audit the charter school's finances.
23 To ensure financial accountability for the use of public
24 funds, on or before December 1 of every year of operation, each
25 charter school shall submit to its authorizer and the State
26 Board a copy of its audit and a copy of the Form 990 the

1 charter school filed that year with the federal Internal
2 Revenue Service. In addition, if deemed necessary for proper
3 financial oversight of the charter school, an authorizer may
4 require quarterly financial statements from each charter
5 school.

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

14 (1) Sections 10-21.9 and 34-18.5 of this Code
15 regarding criminal history records checks and checks of
16 the Statewide Sex Offender Database and Statewide Murderer
17 and Violent Offender Against Youth Database of applicants
18 for employment;

19 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
20 34-84a of this Code regarding discipline of students;

21 (3) the Local Governmental and Governmental Employees
22 Tort Immunity Act;

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

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

- 1 (5.5) subsection (b) of Section 10-23.12 and
- 2 subsection (b) of Section 34-18.6 of this Code;
- 3 (6) the Illinois School Student Records Act;
- 4 (7) Section 10-17a of this Code regarding school
- 5 report cards;
- 6 (8) the P-20 Longitudinal Education Data System Act;
- 7 (9) Section 27-23.7 of this Code regarding bullying
- 8 prevention;
- 9 (10) Section 2-3.162 of this Code regarding student
- 10 discipline reporting;
- 11 (11) Sections 22-80 and 27-8.1 of this Code;
- 12 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 13 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 14 (14) Sections 22-90 and 26-18 of this Code;
- 15 (15) Section 22-30 of this Code;
- 16 (16) Sections 24-12 and 34-85 of this Code;
- 17 (17) the Seizure Smart School Act;
- 18 (18) Section 2-3.64a-10 of this Code;
- 19 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 20 (20) Section 10-22.25b of this Code;
- 21 (21) Section 27-9.1a of this Code;
- 22 (22) Section 27-9.1b of this Code;
- 23 (23) Section 34-18.8 of this Code; ~~and~~
- 24 (25) Section 2-3.188 of this Code;
- 25 (26) Section 22-85.5 of this Code;
- 26 (27) subsections ~~Subsections~~ (d-10), (d-15), and

- 1 (d-20) of Section 10-20.56 of this Code; ~~and~~
2 (28) Sections 10-20.83 and 34-18.78 of this Code;~~;~~
3 (29) ~~(27)~~ Section 10-20.13 of this Code;
4 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
5 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~.
6 (32) ~~(25)~~ Section 22-85.10 of this Code.

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

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

1 school reasonable rent for the use of the district's
2 buildings, grounds, and facilities. Any services for which a
3 charter school contracts with a school district shall be
4 provided by the district at cost. Any services for which a
5 charter school contracts with a local school board or with the
6 governing body of a State college or university or public
7 community college shall be provided by the public entity at
8 cost.

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

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

20 (k) If the charter school is authorized ~~approved~~ by the
21 State Board ~~or Commission~~, then the charter school is its own
22 local education agency.

23 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
24 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
25 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
26 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;

1 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
2 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,
3 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

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

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

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

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

21 (b-5) (Blank). ~~In this subsection (b-5),~~
22 ~~"virtual schooling" means a cyber school where students engage~~
23 ~~in online curriculum and instruction via the Internet and~~
24 ~~electronic communication with their teachers at remote~~
25 ~~locations and with students participating at different times.~~

1 ~~From April 1, 2013 through December 31, 2016, there is a~~
2 ~~moratorium on the establishment of charter schools with~~
3 ~~virtual schooling components in school districts other than a~~
4 ~~school district organized under Article 34 of this Code. This~~
5 ~~moratorium does not apply to a charter school with~~
6 ~~virtual schooling components existing or approved prior to~~
7 ~~April 1, 2013 or to the renewal of the charter of a charter~~
8 ~~school with virtual schooling components already approved~~
9 ~~prior to April 1, 2013.~~

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

23 (c-5) No later than January 1, 2021 ~~(one year after the~~
24 ~~effective date of Public Act 101-291)~~ or within the first year
25 of his or her first term, every voting member of a charter
26 school's board of directors or other governing body shall

1 complete a minimum of 4 hours of professional development
2 leadership training to ensure that each member has sufficient
3 familiarity with the board's or governing body's role and
4 responsibilities, including financial oversight and
5 accountability of the school, evaluating the principal's and
6 school's performance, adherence to the Freedom of Information
7 Act and the Open Meetings Act, and compliance with education
8 and labor law. In each subsequent year of his or her term, a
9 voting member of a charter school's board of directors or
10 other governing body shall complete a minimum of 2 hours of
11 professional development training in these same areas. The
12 training under this subsection may be provided or certified by
13 a statewide charter school membership association or may be
14 provided or certified by other qualified providers approved by
15 the State Board ~~of Education~~.

16 (d) For purposes of this subsection (d), "non-curricular
17 health and safety requirement" means any health and safety
18 requirement created by statute or rule to provide, maintain,
19 preserve, or safeguard safe or healthful conditions for
20 students and school personnel or to eliminate, reduce, or
21 prevent threats to the health and safety of students and
22 school personnel. "Non-curricular health and safety
23 requirement" does not include any course of study or
24 specialized instructional requirement for which the State
25 Board has established goals and learning standards or which is
26 designed primarily to impart knowledge and skills for students

1 to master and apply as an outcome of their education.

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

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

25 (f) A charter school shall be responsible for the
26 management and operation of its fiscal affairs, including, but

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

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

24 (1) Sections 10-21.9 and 34-18.5 of this Code
25 regarding criminal history records checks and checks of
26 the Statewide Sex Offender Database and Statewide Murderer

1 and Violent Offender Against Youth Database of applicants
2 for employment;

3 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
4 34-84a of this Code regarding discipline of students;

5 (3) the Local Governmental and Governmental Employees
6 Tort Immunity Act;

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

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

11 (5.5) subsection (b) of Section 10-23.12 and
12 subsection (b) of Section 34-18.6 of this Code;

13 (6) the Illinois School Student Records Act;

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

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

17 (9) Section 27-23.7 of this Code regarding bullying
18 prevention;

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

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

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

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

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

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

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

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

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

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

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

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

1 subject to negotiation between the charter school and the
2 local school board and shall be set forth in the charter.

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

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

8 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
9 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
10 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
11 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
12 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
13 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,
14 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;
15 revised 12-13-22.)

16 (105 ILCS 5/27A-6)

17 Sec. 27A-6. Contract contents; applicability of laws and
18 regulations.

19 (a) A certified charter shall constitute a binding
20 contract and agreement between the charter school and a local
21 school board under the terms of which the local school board
22 authorizes the governing body of the charter school to operate
23 the charter school on the terms specified in the contract.

24 (b) Notwithstanding any other provision of this Article,
25 the certified charter may not waive or release the charter

1 school from the State goals, standards, and assessments
2 established pursuant to Section 2-3.64a-5 of this Code. The
3 ~~Beginning with the 2003-2004 school year, the~~ certified
4 charter for a charter school operating in a city having a
5 population exceeding 500,000 shall require the charter school
6 to administer any other nationally recognized standardized
7 tests to its students that the chartering entity administers
8 to other students, and the results on such tests shall be
9 included in the chartering entity's assessment reports.

10 (c) Subject to the provisions of subsection (e), a
11 material revision to a previously certified contract or a
12 renewal shall be made with the approval of both the local
13 school board and the governing body of the charter school.

14 (c-5) The proposed contract shall include a provision on
15 how both parties will address minor violations of the
16 contract.

17 (d) The proposed contract between the governing body of a
18 proposed charter school and the local school board as
19 described in Section 27A-7 must be submitted to and certified
20 by the State Board before it can take effect. If the State
21 Board recommends that the proposed contract be modified for
22 consistency with this Article before it can be certified, the
23 modifications must be consented to by both the governing body
24 of the charter school and the local school board, and
25 resubmitted to the State Board for its certification. If the
26 proposed contract is resubmitted in a form that is not

1 consistent with this Article, the State Board may refuse to
2 certify the charter.

3 The State Board shall assign a number to each submission
4 or resubmission in chronological order of receipt, and shall
5 determine whether the proposed contract is consistent with the
6 provisions of this Article. If the proposed contract complies,
7 the State Board shall so certify.

8 (e) No renewal of a previously certified contract is
9 effective unless and until the State Board certifies that the
10 renewal is consistent with the provisions of this Article. A
11 material revision to a previously certified contract may go
12 into effect immediately upon approval of both the local school
13 board and the governing body of the charter school, unless
14 either party requests in writing that the State Board certify
15 that the material revision is consistent with the provisions
16 of this Article. If such a request is made, the proposed
17 material revision is not effective unless and until the State
18 Board so certifies.

19 (Source: P.A. 98-972, eff. 8-15-14; 98-1048, eff. 8-25-14;
20 99-78, eff. 7-20-15.)

21 (105 ILCS 5/27A-7)

22 Sec. 27A-7. Charter submission.

23 (a) A proposal to establish a charter school shall be
24 submitted to the local school board and the State Board for
25 certification under Section 27A-6 of this Code in the form of a

1 proposed contract entered into between the local school board
2 and the governing body of a proposed charter school. The
3 charter school proposal shall include:

4 (1) The name of the proposed charter school, which
5 must include the words "Charter School".

6 (2) The age or grade range, areas of focus, minimum
7 and maximum numbers of pupils to be enrolled in the
8 charter school, and any other admission criteria that
9 would be legal if used by a school district.

10 (3) A description of and address for the physical
11 plant in which the charter school will be located;
12 provided that nothing in the Article shall be deemed to
13 justify delaying or withholding favorable action on or
14 approval of a charter school proposal because the building
15 or buildings in which the charter school is to be located
16 have not been acquired or rented at the time a charter
17 school proposal is submitted or approved or a charter
18 school contract is entered into or submitted for
19 certification or certified, so long as the proposal or
20 submission identifies and names at least 2 sites that are
21 potentially available as a charter school facility by the
22 time the charter school is to open.

23 (4) The mission statement of the charter school, which
24 must be consistent with the General Assembly's declared
25 purposes; provided that nothing in this Article shall be
26 construed to require that, in order to receive favorable

1 consideration and approval, a charter school proposal
2 demonstrate unequivocally that the charter school will be
3 able to meet each of those declared purposes, it being the
4 intention of the Charter Schools Law that those purposes
5 be recognized as goals that charter schools must aspire to
6 attain.

7 (5) The goals, objectives, and pupil performance
8 standards to be achieved by the charter school.

9 (6) In the case of a proposal to establish a charter
10 school by converting an existing public school or
11 attendance center to charter school status, evidence that
12 the proposed formation of the charter school has received
13 the approval of certified teachers, parents and guardians,
14 and, if applicable, a local school council as provided in
15 subsection (b) of Section 27A-8.

16 (7) A description of the charter school's educational
17 program, pupil performance standards, curriculum, school
18 year, school days, and hours of operation.

19 (8) A description of the charter school's plan for
20 evaluating pupil performance, the types of assessments
21 that will be used to measure pupil progress towards
22 achievement of the school's pupil performance standards,
23 the timeline for achievement of those standards, and the
24 procedures for taking corrective action in the event that
25 pupil performance at the charter school falls below those
26 standards.

1 (9) Evidence that the terms of the charter as proposed
2 are economically sound for both the charter school and the
3 school district, a proposed budget for the term of the
4 charter, a description of the manner in which an annual
5 audit of the financial and administrative operations of
6 the charter school, including any services provided by the
7 school district, are to be conducted, and a plan for the
8 displacement of pupils, teachers, and other employees who
9 will not attend or be employed in the charter school.

10 (10) A description of the governance and operation of
11 the charter school, including the nature and extent of
12 parental, professional educator, and community involvement
13 in the governance and operation of the charter school.

14 (11) An explanation of the relationship that will
15 exist between the charter school and its employees,
16 including evidence that the terms and conditions of
17 employment have been addressed with affected employees and
18 their recognized representative, if any. However, a
19 bargaining unit of charter school employees shall be
20 separate and distinct from any bargaining units formed
21 from employees of a school district in which the charter
22 school is located.

23 (12) An agreement between the parties regarding their
24 respective legal liability and applicable insurance
25 coverage.

26 (13) A description of how the charter school plans to

1 meet the transportation needs of its pupils, and a plan
2 for addressing the transportation needs of low-income and
3 at-risk pupils.

4 (14) The proposed effective date and term of the
5 charter; provided that the first day of the first academic
6 year shall be no earlier than August 15 and no later than
7 September 15 of a calendar year, and the first day of the
8 fiscal year shall be July 1.

9 (14.5) Disclosure of any known active civil or
10 criminal investigation by a local, state, or federal law
11 enforcement agency into an organization submitting the
12 charter school proposal or a criminal investigation by a
13 local, state, or federal law enforcement agency into any
14 member of the governing body of that organization. For the
15 purposes of this subdivision (14.5), a known investigation
16 means a request for an interview by a law enforcement
17 agency, a subpoena, an arrest, or an indictment. Such
18 disclosure is required for a period from the initial
19 application submission through 10 business days prior to
20 the authorizer's scheduled decision date.

21 (15) Any other information reasonably required by the
22 State Board ~~of Education~~.

23 (b) A proposal to establish a charter school may be
24 initiated by individuals or organizations that will have
25 majority representation on the board of directors or other
26 governing body of the corporation or other discrete legal

1 entity that is to be established to operate the proposed
2 charter school, by a board of education or an
3 intergovernmental agreement between or among boards of
4 education, or by the board of directors or other governing
5 body of a discrete legal entity already existing or
6 established to operate the proposed charter school. The
7 individuals or organizations referred to in this subsection
8 may be school teachers, school administrators, local school
9 councils, colleges or universities or their faculty members,
10 public community colleges or their instructors or other
11 representatives, corporations, or other entities or their
12 representatives. The proposal shall be submitted to the local
13 school board for consideration and, if appropriate, for
14 development of a proposed contract to be submitted to the
15 State Board for certification under Section 27A-6.

16 (c) The local school board may not without the consent of
17 the governing body of the charter school condition its
18 approval of a charter school proposal on acceptance of an
19 agreement to operate under State laws and regulations and
20 local school board policies from which the charter school is
21 otherwise exempted under this Article.

22 (Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14;
23 99-78, eff. 7-20-15; 99-334, eff. 8-10-15.)

24 (105 ILCS 5/27A-7.5)

25 Sec. 27A-7.5. State Charter School Commission; abolition

1 and transfer to State Board; fee.

2 (a) (Blank). ~~A State Charter School Commission is~~
3 ~~established as an independent commission with statewide~~
4 ~~chartering jurisdiction and authority. The Commission shall be~~
5 ~~under the State Board for administrative purposes only.~~

6 (a-5) (Blank). ~~The State Board shall provide~~
7 ~~administrative support to the Commission as needed.~~

8 (b) (Blank). ~~The Commission is responsible for authorizing~~
9 ~~high quality charter schools throughout this State,~~
10 ~~particularly schools designed to expand opportunities for~~
11 ~~at-risk students, consistent with the purposes of this~~
12 ~~Article.~~

13 (c) (Blank). ~~The Commission shall consist of 9 members,~~
14 ~~appointed by the State Board. The State Board shall make these~~
15 ~~appointments from a slate of candidates proposed by the~~
16 ~~Governor, within 60 days after the effective date of this~~
17 ~~amendatory Act of the 97th General Assembly with respect to~~
18 ~~the initial Commission members. In making the appointments,~~
19 ~~the State Board shall ensure statewide geographic diversity~~
20 ~~among Commission members. The Governor shall propose a slate~~
21 ~~of candidates to the State Board within 60 days after the~~
22 ~~effective date of this amendatory Act of the 97th General~~
23 ~~Assembly and 60 days prior to the expiration of the term of a~~
24 ~~member thereafter. If the Governor fails to timely propose a~~
25 ~~slate of candidates according to the provisions of this~~
26 ~~subsection (c), then the State Board may appoint the member or~~

1 ~~members of the Commission.~~

2 (d) (Blank). ~~Members appointed to the Commission shall~~
3 ~~collectively possess strong experience and expertise in public~~
4 ~~and nonprofit governance, management and finance, public~~
5 ~~school leadership, higher education, assessments, curriculum~~
6 ~~and instruction, and public education law. All members of the~~
7 ~~Commission shall have demonstrated understanding of and a~~
8 ~~commitment to public education, including without limitation~~
9 ~~charter schooling. At least 3 members must have past~~
10 ~~experience with urban charter schools.~~

11 (e) (Blank). ~~To establish staggered terms of office, the~~
12 ~~initial term of office for 3 Commission members shall be 4~~
13 ~~years and thereafter shall be 4 years; the initial term of~~
14 ~~office for another 3 members shall be 3 years and thereafter~~
15 ~~shall be 4 years; and the initial term of office for the~~
16 ~~remaining 3 members shall be 2 years and thereafter shall be 4~~
17 ~~years. The initial appointments must be made no later than~~
18 ~~October 1, 2011.~~

19 (f) (Blank). ~~Whenever a vacancy on the Commission exists,~~
20 ~~the State Board shall appoint a member for the remaining~~
21 ~~portion of the term.~~

22 (g) (Blank). ~~Subject to the State Officials and Employees~~
23 ~~Ethics Act, the Commission is authorized to receive and expend~~
24 ~~gifts, grants, and donations of any kind from any public or~~
25 ~~private entity to carry out the purposes of this Article,~~
26 ~~subject to the terms and conditions under which they are~~

1 ~~given, provided that all such terms and conditions are~~
2 ~~permissible under law. Funds received under this subsection~~
3 ~~(g) must be deposited into the State Charter School Commission~~
4 ~~Fund.~~

5 ~~The State Charter School Commission Fund is created as a~~
6 ~~special fund in the State treasury. Until July 1, 2020, all~~
7 ~~money in the Fund shall be used, subject to appropriation, by~~
8 ~~the State Board, acting on behalf and with the consent of the~~
9 ~~Commission, for operational and administrative costs of the~~
10 ~~Commission. Beginning on July 1, 2020 through August 31, 2020,~~
11 ~~all money in the Fund shall be used, subject to appropriation,~~
12 ~~by the State Board for operational and administrative costs.~~
13 ~~On September 1, 2020, or as soon thereafter as practicable, in~~
14 ~~consultation with the State Board, the State Comptroller shall~~
15 ~~order transferred and the State Treasurer shall transfer all~~
16 ~~money in the State Charter School Commission Fund to the State~~
17 ~~Board of Education Special Purpose Trust Fund.~~

18 ~~Subject to appropriation, any funds appropriated for use~~
19 ~~by the State Board, acting on behalf and with the consent of~~
20 ~~the Commission, may be used for the following purposes,~~
21 ~~without limitation: personal services, contractual services,~~
22 ~~and other operational and administrative costs. The State~~
23 ~~Board is further authorized to make expenditures with respect~~
24 ~~to any other amounts deposited in accordance with law into the~~
25 ~~State Charter School Commission Fund.~~

26 (g-5) (Blank). ~~Funds or spending authority for the~~

1 ~~operation and administrative costs of the Commission shall be~~
2 ~~appropriated to the State Board in a separate line item. The~~
3 ~~State Superintendent of Education may not reduce or modify the~~
4 ~~budget of the Commission or use funds appropriated to the~~
5 ~~Commission without the approval of the Commission.~~

6 (h) (Blank). ~~The Commission shall operate with dedicated~~
7 ~~resources and staff qualified to execute the day to day~~
8 ~~responsibilities of charter school authorizing in accordance~~
9 ~~with this Article. The Commission may employ and fix the~~
10 ~~compensation of such employees and technical assistants as it~~
11 ~~deems necessary to carry out its powers and duties under this~~
12 ~~Article, without regard to the requirements of any civil~~
13 ~~service or personnel statute; and may establish and administer~~
14 ~~standards of classification of all such persons with respect~~
15 ~~to their compensation, duties, performance, and tenure and~~
16 ~~enter into contracts of employment with such persons for such~~
17 ~~periods and on such terms as the Commission deems desirable.~~

18 (i) (Blank).

19 (j) The ~~Until July 1, 2020, the Commission may charge a~~
20 ~~charter school that it authorizes a fee, not to exceed 3% of~~
21 ~~the revenue provided to the school, to cover the cost of~~
22 ~~undertaking the ongoing administrative responsibilities of the~~
23 ~~eligible chartering authority with respect to the school. This~~
24 ~~fee must be deposited into the State Charter School Commission~~
25 ~~Fund. Beginning on July 1, 2020, the State Board of Education~~
26 ~~may charge a charter school that it authorizes a fee not to~~

1 exceed 3% of the revenue provided to the school to be used
2 exclusively for covering the cost of authorizing activities.
3 Authorizing activities may include, but are not limited to:
4 (i) soliciting, reviewing, and taking action on charter school
5 proposals; (ii) hiring, training, and supervising staff
6 engaged in authorizing activities; (iii) developing and
7 conducting oversight, including regular monitoring, of
8 authorized charter schools; (iv) reporting on best practices
9 and performances of charter schools; (v) applying for,
10 managing, and distributing grants and funds appropriated for
11 charter schools and authorizing activities; (vi) training
12 members of the State Board on their authorizing roles; and
13 (vii) training other employees of the State Board on how to
14 work with charter schools as their own local education
15 agencies.

16 (k) On July 1, 2020, the State Charter School Commission
17 or "Commission" (established by Public Act 97-152 as an
18 independent State agency with statewide chartering
19 jurisdiction and authority) is abolished and the terms of all
20 members end. On that date, all of the powers, duties, assets,
21 liabilities, contracts, property, records, and pending
22 business of the Commission are transferred to the State Board.
23 For purposes of the Successor Agency Act and Section 9b of the
24 State Finance Act, the State Board is declared to be the
25 successor agency of the Commission. Beginning on July 1, 2020,
26 references in statutes, rules, forms, and other documents to

1 the Commission shall, in appropriate contexts, be deemed to
2 refer to the State Board. Standards and procedures of the
3 Commission in effect on July 1, 2020 shall be deemed standards
4 and procedures of the State Board and shall remain in effect
5 until amended or repealed by the State Board.

6 ~~Beginning on the effective date of this amendatory Act of~~
7 ~~the 101st General Assembly, the Commission may not enter into~~
8 ~~or renew a contract, other than a charter renewal, that~~
9 ~~expires after July 1, 2020.~~

10 On July 1, 2020, any charter school authorized by the
11 ~~State Charter School~~ Commission prior to July 1, 2020 shall
12 have its authorization transferred to the State Board, which
13 shall then become the school's authorizer for all purposes
14 under this Article. On July 1, 2020, all of the powers, duties,
15 assets, liabilities, contracts, property, records, and pending
16 business of the ~~State Charter School~~ Commission as the
17 school's authorizer must be transferred to the State Board. At
18 the end of its charter term, a charter school may reapply to
19 the board or boards for authorization.

20 On July 1, 2020, all rules of the State Board applicable to
21 matters falling within the responsibility of the ~~State Charter~~
22 ~~School~~ Commission shall be applicable to the actions of the
23 State Board.

24 (1) In any appeal filed with the State Board ~~Commission~~
25 under this Article, both the applicant and the authorizing
26 school district of ~~in which~~ the charter school ~~plans to locate~~

1 shall have the right to request a hearing before the State
2 Board Commission. If more than one entity requests a hearing,
3 then the State Board Commission may hold only one hearing,
4 wherein the applicant and the school district shall have an
5 equal opportunity to present their respective positions.

6 (Source: P.A. 101-543, eff. 8-23-19.)

7 (105 ILCS 5/27A-7.10)

8 Sec. 27A-7.10. Authorizer powers and duties; immunity;
9 principles and standards.

10 (a) Authorizers are responsible for executing, in
11 accordance with this Article, all of the following powers and
12 duties:

13 (1) Soliciting and evaluating charter applications.

14 (2) Approving quality charter applications that meet
15 identified educational needs and promote a diversity of
16 educational choices.

17 (3) Declining to approve weak or inadequate charter
18 applications.

19 (4) Negotiating and executing sound charter contracts
20 with each approved charter school.

21 (5) Monitoring, in accordance with charter contract
22 terms, the performance and legal compliance of charter
23 schools.

24 (6) Determining whether each charter contract merits
25 renewal, nonrenewal, or revocation.

1 (b) An authorizing entity may delegate its duties to
2 officers, employees, and contractors.

3 (c) Regulation by authorizers is limited to the powers and
4 duties set forth in subsection (a) of this Section and must be
5 consistent with the spirit and intent of this Article.

6 (d) An authorizing entity, members of the local school
7 board, the State Board, ~~and the Commission,~~ in its ~~their~~
8 official capacity, and employees of an authorizer are immune
9 from civil and criminal liability with respect to all
10 activities related to a charter school that they authorize,
11 except for willful or wanton misconduct.

12 (e) The State Board, ~~the Commission,~~ and all local school
13 boards that have a charter school operating are required to
14 develop and maintain chartering policies and practices
15 consistent with recognized principles and standards for
16 quality charter authorizing in all major areas of authorizing
17 responsibility, including all of the following:

- 18 (1) Organizational capacity and infrastructure.
- 19 (2) Soliciting and evaluating charter applications if
20 applicable.
- 21 (3) Performance contracting.
- 22 (4) Ongoing charter school oversight and evaluation.
- 23 (5) Charter renewal decision-making.

24 Authorizers shall carry out all their duties under this
25 Article in a manner consistent with nationally recognized
26 principles and standards and with the spirit and intent of

1 this Article.

2 (Source: P.A. 101-543, eff. 8-23-19.)

3 (105 ILCS 5/27A-9)

4 Sec. 27A-9. Term of charter; renewal.

5 (a) An initial ~~For charters granted before January 1, 2017~~
6 ~~(the effective date of Public Act 99-840), a charter may be~~
7 ~~granted for a period not less than 5 and not more than 10~~
8 ~~school years. For charters granted on or after January 1, 2017~~
9 ~~(the effective date of Public Act 99-840), a charter shall be~~
10 granted for a period of 5 school years. A ~~For charters renewed~~
11 ~~before January 1, 2017 (the effective date of Public Act~~
12 ~~99-840), a charter may be renewed in incremental periods not~~
13 ~~to exceed 5 school years. For charters renewed on or after~~
14 ~~January 1, 2017 (the effective date of Public Act 99-840), a~~
15 charter may be renewed in incremental periods not to exceed 10
16 school years; ~~however, the State Board or Commission may renew~~
17 ~~a charter only in incremental periods not to exceed 5 years.~~
18 Authorizers shall ensure that every charter granted on or
19 after January 1, 2017 ~~(the effective date of Public Act~~
20 ~~99-840)~~ includes standards and goals for academic,
21 organizational, and financial performance. A charter must meet
22 all standards and goals for academic, organizational, and
23 financial performance set forth by the authorizer in order to
24 be renewed for a term in excess of 5 years but not more than 10
25 years. If an authorizer fails to establish standards and

1 goals, a charter shall not be renewed for a term in excess of 5
2 years. Nothing contained in this Section shall require an
3 authorizer to grant a full 10-year renewal term to any
4 particular charter school, but an authorizer may award a full
5 10-year renewal term to charter schools that have a
6 demonstrated track record of improving student performance.

7 (b) A charter school renewal proposal submitted to the
8 local school board or the State Board ~~or Commission~~, as the
9 chartering entity, shall contain:

10 (1) a report on the progress of the charter school in
11 achieving the goals, objectives, pupil performance
12 standards, content standards, and other terms of the
13 initial approved charter proposal; and

14 (2) a financial statement that discloses the costs of
15 administration, instruction, and other spending categories
16 for the charter school that is understandable to the
17 general public and that will allow comparison of those
18 costs to other schools or other comparable organizations,
19 in a format required by the State Board.

20 (c) A charter may be revoked or not renewed if the local
21 school board or the State Board ~~or Commission~~, as the
22 chartering entity, clearly demonstrates that the charter
23 school did any of the following, or otherwise failed to comply
24 with the requirements of this law:

25 (1) Committed a material violation of any of the
26 conditions, standards, or procedures set forth in the

1 charter.

2 (2) Failed to meet or make reasonable progress toward
3 achievement of the content standards or pupil performance
4 standards identified in the charter.

5 (3) Failed to meet generally accepted standards of
6 fiscal management.

7 (4) Violated any provision of law from which the
8 charter school was not exempted.

9 In the case of revocation, the local school board or the
10 State Board ~~or Commission~~, as the chartering entity, shall
11 notify the charter school in writing of the reason why the
12 charter is subject to revocation. The charter school shall
13 submit a written plan to the local school board or the State
14 Board, ~~or the Commission~~, whichever is applicable, to rectify
15 the problem. The plan shall include a timeline for
16 implementation, which shall not exceed 2 years or the date of
17 the charter's expiration, whichever is earlier. If the local
18 school board or the State Board ~~or Commission~~, as the
19 chartering entity, finds that the charter school has failed to
20 implement the plan of remediation and adhere to the timeline,
21 then the chartering entity shall revoke the charter. Except in
22 situations of an emergency where the health, safety, or
23 education of the charter school's students is at risk, the
24 revocation shall take place at the end of a school year.
25 Nothing in this Section ~~Public Act 96-105~~ shall be construed
26 to prohibit an implementation timetable that is less than 2

1 years in duration. No local school board may arbitrarily or
2 capriciously revoke or not renew a charter. Except for
3 extenuating circumstances outlined in this Section, if a local
4 school board revokes or does not renew a charter, it must
5 ensure that all students currently enrolled in the charter
6 school are placed in schools that are higher performing than
7 that charter school, as defined in the State's federal Every
8 Student Succeeds Act accountability plan. In determining
9 whether extenuating circumstances exist, a local school board
10 must detail, by clear and convincing evidence, that factors
11 unrelated to the charter school's accountability designation
12 outweigh the charter school's academic performance.

13 (d) (Blank).

14 (e) Notice of a local school board's decision to deny,
15 revoke, or not renew a charter shall be provided to ~~the~~
16 ~~Commission and the State Board. Until July 1, 2020, the~~
17 ~~Commission may reverse a local board's decision to not renew a~~
18 ~~charter if the Commission finds that the charter school or~~
19 ~~charter school proposal (i) is in compliance with this~~
20 ~~Article, and (ii) is in the best interests of the students it~~
21 ~~is designed to serve. The Commission may condition the~~
22 ~~granting of an appeal on the acceptance by the charter school~~
23 ~~of funding in an amount less than that requested in the~~
24 ~~proposal submitted to the local school board. Final decisions~~
25 ~~of the Commission shall be subject to judicial review under~~
26 ~~the Administrative Review Law.~~

1 The State Board may reverse a local board's decision to
2 revoke or, ~~beginning on July 1, 2020,~~ not renew a charter if
3 the State Board finds that the charter school or charter
4 school proposal (i) is in compliance with this Article and
5 (ii) is in the best interests of the students it is designed to
6 serve. The State Board may condition the granting of an appeal
7 on the acceptance by the charter school of funding in an amount
8 less than that requested in the proposal submitted to the
9 local school board. The State Board must appoint and utilize a
10 hearing officer for any appeals conducted under this
11 subsection. Final decisions of the State Board are subject to
12 judicial review under the Administrative Review Law.

13 (f) Notwithstanding other provisions of this Article, if
14 the State Board Commission on appeal reverses a local board's
15 decision or if a charter school is approved by referendum, the
16 State Board Commission shall act as the authorized chartering
17 entity for the charter school. ~~The Commission shall approve~~
18 ~~the charter~~ and shall perform all functions under this Article
19 otherwise performed by the local school board. ~~The State Board~~
20 ~~shall determine whether the charter proposal approved by the~~
21 ~~Commission is consistent with the provisions of this Article~~
22 ~~and, if the approved proposal complies, certify the proposal~~
23 ~~pursuant to this Article.~~ The State Board shall report the
24 aggregate number of charter school pupils resident in a school
25 district to that district and shall notify the district of the
26 amount of funding to be paid by the State Board to the charter

1 school enrolling such students. The charter school shall
2 maintain accurate records of daily attendance and student
3 enrollment and shall enter data on the students served, their
4 characteristics, their particular needs, the programs in which
5 they participate, and their academic achievement into the
6 statewide student information system established by the State
7 Board. ~~The Commission shall require the charter school to~~
8 ~~maintain accurate records of daily attendance that shall be~~
9 ~~deemed sufficient to file claims under Section 18-8.15~~
10 ~~notwithstanding any other requirements of that Section.~~ The
11 State Board shall withhold from funds otherwise due the
12 district the funds authorized by this Article to be paid to the
13 charter school and shall pay such amounts to the charter
14 school in quarterly installments, calculated as follows:-

15 (1) The amount of the first quarterly payment shall be
16 based on the projected number of students who will be
17 enrolled in the charter school in the upcoming school
18 year, multiplied by one-fourth of the resident district's
19 per capita tuition amount. Each charter school shall
20 submit its projected enrollment by no later than August 1
21 of each year on a form provided by the State Board for this
22 purpose.

23 (2) The amount of the second quarterly payment shall
24 be calculated such that the aggregate amount of the first
25 and second quarterly installments is equal to the number
26 of students reported as enrolled at the charter school on

1 October 1 in the State Board's student information system,
2 multiplied by one-half of the resident district's per
3 capita tuition amount.

4 (3) The amount of the third quarterly payment shall be
5 based on the number of students enrolled in the charter
6 school on January 1, multiplied by one-fourth of the
7 resident district's per capita tuition amount. Each
8 charter school shall submit its January 1 enrollment by no
9 later than January 5 of each year on a form provided by the
10 State Board for this purpose.

11 (4) The amount of the fourth quarterly payment shall
12 be calculated such that the aggregate amount of the third
13 and fourth installments is equal to the number of students
14 reported as enrolled at the charter school on March 1 in
15 the State Board's student information system, multiplied
16 by one-half of the resident district's per capita tuition
17 amount.

18 (g) (Blank). For charter schools authorized by the
19 Commission, the Commission shall quarterly certify to the
20 State Board the student enrollment for each of its charter
21 schools.

22 (h) The ~~For charter schools authorized by the Commission,~~
23 ~~the~~ State Board shall pay directly to a charter school it
24 authorizes any federal or State funding aid attributable to a
25 student with a disability attending the school.

26 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;

1 101-543, eff. 8-23-19.)

2 (105 ILCS 5/27A-10)

3 Sec. 27A-10. Employees.

4 (a) A person shall be deemed to be employed by a charter
5 school unless a collective bargaining agreement or the charter
6 school contract otherwise provides.

7 (b) In all school districts, including special charter
8 districts and districts located in cities having a population
9 exceeding 500,000, the local school board shall determine by
10 policy or by negotiated agreement, if one exists, the
11 employment status of any school district employees who are
12 employed by a charter school and who seek to return to
13 employment in the public schools of the district. Each local
14 school board shall grant, for a period of up to 5 years, a
15 leave of absence to those of its teachers who accept
16 employment with a charter school. At the end of the authorized
17 leave of absence, the teacher must return to the school
18 district or resign; provided that if the teacher chooses to
19 return to the school district, the teacher must be assigned to
20 a position that requires the teacher's licensure and legal
21 qualifications. The contractual continued service status and
22 retirement benefits of a teacher of the district who is
23 granted a leave of absence to accept employment with a charter
24 school shall not be affected by that leave of absence.

25 (c) Charter schools shall employ in instructional

1 positions, as defined in the charter, individuals who are
2 licensed under Article 21B of this Code or who possess the
3 following qualifications:

4 (i) graduated with a bachelor's degree from an
5 accredited institution of higher learning;

6 (ii) been employed for a period of at least 5 years in
7 an area requiring application of the individual's
8 education;

9 (iii) passed a content area knowledge test required
10 under Section 21B-30 of this Code; and

11 (iv) demonstrate continuing evidence of professional
12 growth, which shall include, but not be limited to,
13 successful teaching experience, attendance at professional
14 meetings, membership in professional organizations,
15 additional credits earned at institutions of higher
16 learning, travel specifically for educational purposes,
17 and reading of professional books and periodicals.

18 (c-5) Charter schools employing individuals without
19 licensure in instructional positions shall provide such
20 mentoring, training, and staff development for those
21 individuals as the charter schools determine necessary for
22 satisfactory performance in the classroom.

23 ~~At least 50% of the individuals employed in instructional~~
24 ~~positions by a charter school that is operating in a city~~
25 ~~having a population exceeding 500,000 and that is established~~
26 ~~on or after April 16, 2003 shall hold teaching licenses issued~~

1 ~~under Article 21B of this Code.~~

2 ~~At least 75% of the individuals employed in instructional~~
3 ~~positions by a charter school that is operating in a city~~
4 ~~having a population exceeding 500,000 and that was established~~
5 ~~before April 16, 2003 shall hold teaching licenses issued~~
6 ~~under Article 21B of this Code.~~

7 (c-10) ~~At~~ Notwithstanding any provision in subsection
8 ~~(c-5) to the contrary, in any charter school established~~
9 ~~before, on, or after July 30, 2009 (the effective date of~~
10 ~~Public Act 96-105),~~ at least 75% of the individuals employed
11 in instructional positions by the charter school shall hold
12 teaching licenses issued under Article 21B of this Code.
13 Charter schools may employ non-licensed staff in all other
14 positions.

15 (c-15) Charter schools are exempt from any annual cap on
16 new participants in an alternative educator licensure program.
17 The second and third phases of the program may be conducted and
18 completed at the charter school, and the alternative
19 provisional educator endorsement is valid for 4 years or the
20 length of the charter (or any extension of the charter),
21 whichever is longer.

22 (d) A teacher at a charter school may resign his or her
23 position only if the teacher gives notice of resignation to
24 the charter school's governing body at least 60 days before
25 the end of the school term, and the resignation must take
26 effect immediately upon the end of the school term.

1 (Source: P.A. 101-220, eff. 8-7-19; 101-594, eff. 12-5-19.)

2 (105 ILCS 5/27A-10.5)

3 Sec. 27A-10.5. Educational or charter management
4 organization.

5 (a) In this Section:

6 "CMO" means a charter management organization.

7 "EMO" means an educational management organization.

8 (b) All authorizers shall ensure that any charter school
9 established on or after January 1, 2015 ~~the effective date of~~
10 ~~this amendatory Act of the 98th General Assembly~~ has a
11 governing body that is separate and distinct from the
12 governing body of any CMO or EMO. In reviewing charter
13 applications and charter renewal applications, authorizers
14 shall review the governance model proposed by the applicant to
15 ensure that there are no conflicts of interest.

16 (c) No charter school may employ a staff person who is
17 simultaneously employed by an EMO or CMO.

18 (Source: P.A. 98-783, eff. 1-1-15.)

19 (105 ILCS 5/27A-10.10)

20 Sec. 27A-10.10. Closure of charter school; unspent public
21 funds; procedures for the disposition of property and assets.

22 (a) Upon the closing of a charter school authorized by one
23 or more local school boards, the governing body of the charter
24 school or its designee shall refund to the chartering entity

1 or entities all unspent public funds. The charter school's
2 other property and assets shall be disposed of under the
3 provisions of the charter application and contract. If the
4 application and contract are silent or ambiguous as to the
5 disposition of any of the school's property or assets, any
6 property or assets of the charter school purchased with public
7 funds shall be returned to the school district or districts
8 from which the charter school draws enrollment, at no cost to
9 the receiving district or districts, subject to each
10 district's acceptance of the property or asset. Any unspent
11 public funds or other property or assets received by the
12 charter school directly from any State or federal agency shall
13 be refunded to or revert back to that State or federal agency,
14 respectively.

15 (b) Upon the closing of a charter school authorized by the
16 State Board ~~Commission~~, the governing body of the charter
17 school or its designee shall refund all unspent public funds
18 to the State Board ~~of Education~~. The charter school's other
19 property and assets shall be disposed of under the provisions
20 of the charter application and contract. If the application
21 and contract are silent or ambiguous as to the disposition of
22 any of the school's property or assets, any property or assets
23 of the charter school purchased with public funds shall be
24 returned to the school district or districts from which the
25 charter school draws its enrollment, at no cost to the
26 receiving district or districts, subject to each district's

1 acceptance of the property or asset. Any unspent public funds
2 or other property or assets provided by a State agency other
3 than the State Board ~~of Education~~ or by a federal agency shall
4 be refunded to or revert back to that State or federal agency,
5 respectively.

6 (c) If a determination is made to close a charter school
7 located within the boundaries of a school district organized
8 under Article 34 of this Code for at least one school year, the
9 charter school shall give at least 60 days' notice of the
10 closure to all affected students and parents or legal
11 guardians.

12 (Source: P.A. 100-179, eff. 8-18-17.)

13 (105 ILCS 5/27A-11)

14 Sec. 27A-11. Local financing.

15 (a) For purposes of the School Code, pupils enrolled in a
16 charter school shall be included in the pupil enrollment of
17 the school district within which the pupil resides. Each
18 charter school (i) shall determine the school district in
19 which each pupil who is enrolled in the charter school
20 resides, (ii) shall report the aggregate number of pupils
21 resident of a school district who are enrolled in the charter
22 school to the school district in which those pupils reside,
23 and (iii) shall maintain accurate records of daily attendance
24 that shall be deemed sufficient to file claims under Section
25 ~~18-8~~ or 18-8.15 notwithstanding any other requirements of that

1 Section regarding hours of instruction and teacher licensure
2 ~~certification~~.

3 (b) Except for a charter school established by referendum
4 under Section 27A-6.5, as part of a charter school contract,
5 the charter school and the local school board shall agree on
6 funding and any services to be provided by the school district
7 to the charter school. Agreed funding that a charter school is
8 to receive from the local school board for a school year shall
9 be paid in equal quarterly installments with the payment of
10 the installment for the first quarter being made not later
11 than July 1, unless the charter establishes a different
12 payment schedule. However, if a charter school dismisses a
13 pupil from the charter school after receiving a quarterly
14 payment, the charter school shall return to the school
15 district, on a quarterly basis, the prorated portion of public
16 funding provided for the education of that pupil for the time
17 the student is not enrolled at the charter school. Likewise,
18 if a pupil transfers to a charter school between quarterly
19 payments, the school district shall provide, on a quarterly
20 basis, a prorated portion of the public funding to the charter
21 school to provide for the education of that pupil.

22 All services centrally or otherwise provided by the school
23 district including, but not limited to, rent, food services,
24 custodial services, maintenance, curriculum, media services,
25 libraries, transportation, and warehousing shall be subject to
26 negotiation between a charter school and the local school

1 board and paid for out of the revenues negotiated pursuant to
2 this subsection (b); provided that the local school board
3 shall not attempt, by negotiation or otherwise, to obligate a
4 charter school to provide pupil transportation for pupils for
5 whom a district is not required to provide transportation
6 under the criteria set forth in subsection (a)(13) of Section
7 27A-7.

8 In no event shall the funding be less than 97% or more than
9 103% of the school district's per capita student tuition
10 multiplied by the number of students residing in the district
11 who are enrolled in the charter school.

12 It is the intent of the General Assembly that funding and
13 service agreements under this subsection (b) shall be neither
14 a financial incentive nor a financial disincentive to the
15 establishment of a charter school.

16 The charter school may set and collect reasonable fees.
17 Fees collected from students enrolled at a charter school
18 shall be retained by the charter school.

19 (c) Notwithstanding subsection (b) of this Section, the
20 proportionate share of State and federal resources generated
21 by students with disabilities or staff serving them shall be
22 directed to charter schools enrolling those students by their
23 school districts or administrative units. The proportionate
24 share of moneys generated under other federal or State
25 categorical aid programs shall be directed to charter schools
26 serving students eligible for that aid.

1 (d) The governing body of a charter school is authorized
2 to accept gifts, donations, or grants of any kind made to the
3 charter school and to expend or use gifts, donations, or
4 grants in accordance with the conditions prescribed by the
5 donor; however, a gift, donation, or grant may not be accepted
6 by the governing body if it is subject to any condition
7 contrary to applicable law or contrary to the terms of the
8 contract between the charter school and the local school
9 board. Charter schools shall be encouraged to solicit and
10 utilize community volunteer speakers and other instructional
11 resources when providing instruction on the Holocaust and
12 other historical events.

13 (e) (Blank).

14 (f) (Blank). ~~The Commission shall provide technical~~
15 ~~assistance to persons and groups preparing or revising charter~~
16 ~~applications.~~

17 (g) At the non-renewal or revocation of its charter, each
18 charter school shall refund to the local board of education
19 all unspent funds.

20 (h) A charter school is authorized to incur temporary,
21 short term debt to pay operating expenses in anticipation of
22 receipt of funds from the local school board.

23 (Source: P.A. 99-78, eff. 7-20-15; 100-465, eff. 8-31-17.)

24 (105 ILCS 5/27A-11.5)

25 Sec. 27A-11.5. State financing. The State Board of

1 ~~Education~~ shall make the following funds available to school
2 districts and charter schools:

3 (1) From a separate appropriation made to the State
4 Board for purposes of this subdivision (1), the State
5 Board shall make transition impact aid available to school
6 districts that approve a new charter school ~~or that have~~
7 ~~funds withheld by the State Board to fund a new charter~~
8 ~~school that is chartered by the Commission.~~ The amount of
9 the aid shall equal 90% of the per capita funding paid to
10 the charter school during the first year of its initial
11 charter term, 65% of the per capita funding paid to the
12 charter school during the second year of its initial term,
13 and 35% of the per capita funding paid to the charter
14 school during the third year of its initial term. This
15 transition impact aid shall be paid to the local school
16 board in equal quarterly installments, with the payment of
17 the installment for the first quarter being made by August
18 1st immediately preceding the first, second, and third
19 years of the initial term. The district shall file an
20 application for this aid with the State Board in a format
21 designated by the State Board. If the appropriation is
22 insufficient in any year to pay all approved claims, the
23 impact aid shall be prorated. ~~However, for fiscal year~~
24 ~~2004, the State Board of Education shall pay approved~~
25 ~~claims only for charter schools with a valid charter~~
26 ~~granted prior to June 1, 2003.~~ If any funds remain after

1 these claims have been paid, then the State Board ~~of~~
2 ~~Education~~ may pay all other approved claims on a pro rata
3 basis. Transition impact aid shall be paid ~~beginning in~~
4 ~~the 1999-2000 school year~~ for charter schools that are in
5 the first, second, or third year of their initial term.
6 Transition impact aid shall not be paid for any charter
7 school that is proposed and created by one or more boards
8 of education, as authorized under subsection (b) of
9 Section 27A-7 ~~the provisions of Public Act 91-405.~~

10 (2) From a separate appropriation made for the purpose
11 of this subdivision (2), the State Board shall make grants
12 to charter schools to pay their start-up costs of
13 acquiring educational materials and supplies, textbooks,
14 electronic textbooks and the technological equipment
15 necessary to gain access to and use electronic textbooks,
16 furniture, and other equipment or materials needed during
17 their initial term. The State Board shall annually
18 establish the time and manner of application for these
19 grants, which shall not exceed \$250 per student enrolled
20 in the charter school.

21 (3) The Charter Schools Revolving Loan Fund is created
22 as a special fund in the State treasury. Federal funds,
23 such other funds as may be made available for costs
24 associated with the establishment of charter schools in
25 Illinois, and amounts repaid by charter schools that have
26 received a loan from the Charter Schools Revolving Loan

1 Fund shall be deposited into the Charter Schools Revolving
2 Loan Fund, and the moneys in the Charter Schools Revolving
3 Loan Fund shall be appropriated to the State Board and
4 used to provide interest-free loans to charter schools.
5 These funds shall be used to pay start-up costs of
6 acquiring educational materials and supplies, textbooks,
7 electronic textbooks and the technological equipment
8 necessary to gain access to and use electronic textbooks,
9 furniture, and other equipment or materials needed in the
10 initial term of the charter school and for acquiring and
11 remodeling a suitable physical plant, within the initial
12 term of the charter school. Loans shall be limited to one
13 loan per charter school and shall not exceed \$750 per
14 student enrolled in the charter school. A loan shall be
15 repaid by the end of the initial term of the charter
16 school. The State Board may deduct amounts necessary to
17 repay the loan from funds due to the charter school or may
18 require that the local school board that authorized the
19 charter school deduct such amounts from funds due the
20 charter school and remit these amounts to the State Board,
21 provided that the local school board shall not be
22 responsible for repayment of the loan. The State Board may
23 use up to 3% of the appropriation to contract with a
24 non-profit entity to administer the loan program.

25 (4) A charter school may apply for and receive,
26 subject to the same restrictions applicable to school

1 districts, any grant administered by the State Board that
2 is available for school districts.

3 If a charter school fails to make payments toward
4 administrative costs, the State Board may withhold State funds
5 from that school until it has made all payments for those
6 costs.

7 (Source: P.A. 101-543, eff. 8-23-19.)

8 (105 ILCS 5/27A-12)

9 Sec. 27A-12. Evaluation; report. On or before September 30
10 of every odd-numbered year, all local school boards with at
11 least one charter school, ~~as well as the Commission,~~ shall
12 submit to the State Board any information required by the
13 State Board pursuant to applicable rule. On or before the
14 second Wednesday in January of every even-numbered year, the
15 State Board shall issue a report to the General Assembly and
16 the Governor on its findings for the previous 2 school years.
17 The State Board's report shall summarize all of the following:

18 (1) The authorizer's strategic vision for chartering
19 and progress toward achieving that vision.

20 (2) The academic and financial performance of all
21 operating charter schools overseen by the authorizer,
22 according to the performance expectations for charter
23 schools set forth in this Article.

24 (3) The status of the authorizer's charter school
25 portfolio, identifying all charter schools in each of the

1 following categories: approved (but not yet open),
2 operating, renewed, transferred, revoked, not renewed,
3 voluntarily closed, or never opened.

4 (4) The authorizing functions provided by the
5 authorizer to the charter schools under its purview,
6 including the authorizer's operating costs and expenses
7 detailed in annual audited financial statements, which
8 must conform with generally accepted accounting
9 principles.

10 Further, in the report required by this Section, the State
11 Board (i) shall compare the performance of charter school
12 pupils with the performance of ethnically and economically
13 comparable groups of pupils in other public schools who are
14 enrolled in academically comparable courses, (ii) shall review
15 information regarding the regulations and policies from which
16 charter schools were released to determine if the exemptions
17 assisted or impeded the charter schools in meeting their
18 stated goals and objectives, and (iii) shall include suggested
19 changes in State law necessary to strengthen charter schools.

20 In addition, the State Board shall undertake and report on
21 periodic evaluations of charter schools that include
22 evaluations of student academic achievement, the extent to
23 which charter schools are accomplishing their missions and
24 goals, the sufficiency of funding for charter schools, and the
25 need for changes in the approval process for charter schools.

26 Based on the information that the State Board receives

1 from authorizers and the State Board's ongoing monitoring of
2 both charter schools and authorizers, the State Board has the
3 power to remove the power to authorize from any authorizer in
4 this State if the authorizer does not demonstrate a commitment
5 to high-quality authorization practices and, if necessary,
6 revoke the chronically low-performing charters authorized by
7 the authorizer at the time of the removal. The State Board
8 shall adopt rules as needed to carry out this power, including
9 provisions to determine the status of schools authorized by an
10 authorizer whose authorizing power is revoked.

11 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)

12 (105 ILCS 5/27A-13)

13 Sec. 27A-13. Rules. The State Board ~~of Education~~ is
14 authorized to adopt any rules not inconsistent with this
15 Article that it deems necessary to implement and accomplish
16 the purposes and provisions of this Article.

17 (Source: P.A. 89-450, eff. 4-10-96.)

18 (105 ILCS 5/34-18.20)

19 Sec. 34-18.20. Time out, isolated time out, restraint, and
20 necessities; limitations and prohibitions.

21 (a) The General Assembly finds and declares that the use
22 of isolated time out, time out, and physical restraint on
23 children and youth carries risks to the health and safety of
24 students and staff; therefore, the ultimate goal is to reduce

1 and eventually eliminate the use of those interventions. The
2 General Assembly also finds and declares that the State Board
3 of Education must take affirmative action to lead and support
4 schools in transforming the school culture to reduce and
5 eliminate the use of all such interventions over time.

6 (b) In this Section:

7 "Chemical restraint" means the use of medication to
8 control a student's behavior or to restrict a student's
9 freedom of movement. "Chemical restraint" does not include
10 medication that is legally prescribed and administered as part
11 of a student's regular medical regimen to manage behavioral
12 symptoms and treat medical symptoms.

13 "Isolated time out" means the involuntary confinement of a
14 student alone in a time out room or other enclosure outside of
15 the classroom without a supervising adult in the time out room
16 or enclosure.

17 "Isolated time out" or "time out" does not include a
18 student-initiated or student-requested break, a
19 student-initiated sensory break or a teacher-initiated sensory
20 break that may include a sensory room containing sensory tools
21 to assist a student to calm and de-escalate, an in-school
22 suspension or detention, or any other appropriate disciplinary
23 measure, including the student's brief removal to the hallway
24 or similar environment.

25 "Mechanical restraint" means the use of any device or
26 equipment to limit a student's movement or to hold a student

1 immobile. "Mechanical restraint" does not include any
2 restraint used to (i) treat a student's medical needs; (ii)
3 protect a student who is known to be at risk of injury
4 resulting from a lack of coordination or frequent loss of
5 consciousness; (iii) position a student with physical
6 disabilities in a manner specified in the student's
7 individualized education program, federal Section 504 plan, or
8 other plan of care; (iv) provide a supplementary aid, service,
9 or accommodation, including, but not limited to, assistive
10 technology that provides proprioceptive input or aids in
11 self-regulation; or (v) promote student safety in vehicles
12 used to transport students.

13 "Physical restraint" or "restraint" means holding a
14 student or otherwise restricting a student's movements.
15 "Physical restraint" or "restraint" does not include momentary
16 periods of physical restriction by direct person to person
17 contact, without the aid of material or mechanical devices,
18 that are accomplished with limited force and that are designed
19 to prevent a student from completing an act that would result
20 in potential physical harm to himself, herself, or another or
21 damage to property.

22 "Prone physical restraint" means a physical restraint in
23 which a student is held face down on the floor or other surface
24 and physical pressure is applied to the student's body to keep
25 the student in the prone position.

26 "Time out" means a behavior management technique for the

1 purpose of calming or de-escalation that involves the
2 involuntary monitored separation of a student from classmates
3 with a trained adult for part of the school day, only for a
4 brief time, in a nonlocked setting.

5 (c) Isolated time out, time out, and physical restraint,
6 other than prone physical restraint, may be used only if (i)
7 the student's behavior presents an imminent danger of serious
8 physical harm to the student or to others; (ii) other less
9 restrictive and intrusive measures have been tried and have
10 proven to be ineffective in stopping the imminent danger of
11 serious physical harm; (iii) there is no known medical
12 contraindication to its use on the student; and (iv) the
13 school staff member or members applying the use of time out,
14 isolated time out, or physical restraint on a student have
15 been trained in its safe application, as established by rule
16 by the State Board of Education. Isolated time out is allowed
17 only under limited circumstances as set forth in this Section.
18 If all other requirements under this Section are met, isolated
19 time out may be used only if the adult in the time out room or
20 enclosure is in imminent danger of serious physical harm
21 because the student is unable to cease actively engaging in
22 extreme physical aggression.

23 Mechanical restraint and chemical restraint are
24 prohibited. Prone restraint is prohibited except when all of
25 the following conditions are satisfied:

26 (1) The student's Behavior Intervention Plan

1 specifically allows for prone restraint of the student.

2 (2) The Behavior Intervention Plan was put into place
3 before January 1, 2021.

4 (3) The student's Behavior Intervention Plan has been
5 approved by the IEP team.

6 (4) The school staff member or staff members applying
7 the use of prone restraint on a student have been trained
8 in its safe application as established by rule by the
9 State Board of Education.

10 (5) The school must be able to document and
11 demonstrate to the IEP team that the use of other
12 de-escalation techniques provided for in the student's
13 Behavior Intervention Plan were ineffective.

14 (6) The use of prone restraint occurs within the
15 ~~school years of 2021-2022~~ school year ~~and 2022-2023~~.

16 All instances of the utilization of prone restraint must be
17 reported in accordance with the provisions of this amendatory
18 Act of the 102nd General Assembly. Nothing in this Section
19 shall prohibit the State Board of Education from adopting
20 administrative rules that further restrict or disqualify the
21 use of prone restraint.

22 (d) The use of any of the following rooms or enclosures for
23 an isolated time out or time out purposes is prohibited:

24 (1) a locked room or a room in which the door is
25 obstructed, prohibiting it from opening;

26 (2) a confining space such as a closet or box;

1 (3) a room where the student cannot be continually
2 observed; or

3 (4) any other room or enclosure or time out procedure
4 that is contrary to current rules adopted by the State
5 Board of Education.

6 (e) The deprivation of necessities needed to sustain the
7 health of a person, including, without limitation, the denial
8 or unreasonable delay in the provision of the following, is
9 prohibited:

10 (1) food or liquid at a time when it is customarily
11 served;

12 (2) medication; or

13 (3) the use of a restroom.

14 (f) (Blank).

15 (g) Following each incident of isolated time out, time
16 out, or physical restraint, but no later than 2 school days
17 after the incident, the principal or another designated
18 administrator shall notify the student's parent or guardian
19 that he or she may request a meeting with appropriate school
20 personnel to discuss the incident. This meeting shall be held
21 separate and apart from meetings held in accordance with the
22 student's individualized education program or from meetings
23 held in accordance with the student's plan for services under
24 Section 504 of the federal Rehabilitation Act of 1973. If a
25 parent or guardian requests a meeting, the meeting shall be
26 convened within 2 school days after the request, provided that

1 the 2-school day limitation shall be extended if requested by
2 the parent or guardian. The parent or guardian may also
3 request that the meeting be convened via telephone or video
4 conference.

5 The meeting shall include the student, if appropriate, at
6 least one school staff member involved in the incident of
7 isolated time out, time out, or physical restraint, the
8 student's parent or guardian, and at least one appropriate
9 school staff member not involved in the incident of isolated
10 time out, time out, or physical restraint, such as a social
11 worker, psychologist, nurse, or behavioral specialist. During
12 the meeting, the school staff member or members involved in
13 the incident of isolated time out, time out, or physical
14 restraint, the student, and the student's parent or guardian,
15 if applicable, shall be provided an opportunity to describe
16 (i) the events that occurred prior to the incident of isolated
17 time out, time out, or physical restraint and any actions that
18 were taken by school personnel or the student leading up to the
19 incident; (ii) the incident of isolated time out, time out, or
20 physical restraint; and (iii) the events that occurred or the
21 actions that were taken following the incident of isolated
22 time out, time out, or physical restraint and whether the
23 student returned to regular school activities and, if not, how
24 the student spent the remainder of the school day. All parties
25 present at the meeting shall have the opportunity to discuss
26 what school personnel could have done differently to avoid the

1 incident of isolated time out, time out, or physical restraint
2 and what alternative courses of action, if any, the school can
3 take to support the student and to avoid the future use of
4 isolated time out, time out, or physical restraint. At no
5 point may a student be excluded from school solely because a
6 meeting has not occurred.

7 A summary of the meeting and any agreements or conclusions
8 reached during the meeting shall be documented in writing and
9 shall become part of the student's school record. A copy of the
10 documents shall be provided to the student's parent or
11 guardian. If a parent or guardian does not request a meeting
12 within 10 school days after the school has provided the
13 documents to the parent or guardian or if a parent or guardian
14 fails to attend a requested meeting, that fact shall be
15 documented as part of the student's school record.

16 (h) Whenever isolated time out, time out, or physical
17 restraint is used, school personnel shall fully document and
18 report to the State Board of Education the incident, including
19 the events leading up to the incident, what alternative
20 measures that are less restrictive and intrusive were used
21 prior to the use of isolated time out, time out, or physical
22 restraint, why those measures were ineffective or deemed
23 inappropriate, the type of restraint, isolated time out, or
24 time out that was used, the length of time the student was in
25 isolated time out or time out or was restrained, and the staff
26 involved. The parents or guardian of a student and the State

1 Superintendent of Education shall be informed whenever
2 isolated time out, time out, or physical restraint is used.

3 Schools shall provide parents and guardians with the
4 following information, to be developed by the State Board and
5 which may be incorporated into the State Board's prescribed
6 physical restraint and time out form at the discretion of the
7 State Board, after each incident in which isolated time out,
8 time out, or physical restraint is used during the school
9 year, in printed form or, upon the written request of the
10 parent or guardian, by email:

11 (1) a copy of the standards for when isolated time
12 out, time out, and physical restraint can be used;

13 (2) information about the rights of parents,
14 guardians, and students; and

15 (3) information about the parent's or guardian's right
16 to file a complaint with the State Superintendent of
17 Education, the complaint process, and other information to
18 assist the parent or guardian in navigating the complaint
19 process.

20 (i) Any use of isolated time out, time out, or physical
21 restraint that is permitted by the board's policy shall be
22 implemented in accordance with written procedures.

23 (Source: P.A. 102-339, eff. 8-13-21.)

24 (105 ILCS 5/34-18.61)

25 Sec. 34-18.61. Self-administration of medication.

1 (a) In this Section, "asthma action plan" has the meaning
2 given to that term under Section 22-30.

3 (b) Notwithstanding any other provision of law, the school
4 district must allow any student with an asthma action plan, an
5 Individual Health Care Action Plan, an allergy emergency
6 action plan ~~Illinois Food Allergy Emergency Action Plan and~~
7 ~~Treatment Authorization Form~~, a plan pursuant to Section 504
8 of the federal Rehabilitation Act of 1973, or a plan pursuant
9 to the federal Individuals with Disabilities Education Act to
10 self-administer any medication required under those plans if
11 the student's parent or guardian provides the school district
12 with (i) written permission for the student's
13 self-administration of medication and (ii) written
14 authorization from the student's physician, physician
15 assistant, or advanced practice registered nurse for the
16 student to self-administer the medication. A parent or
17 guardian must also provide to the school district the
18 prescription label for the medication, which must contain the
19 name of the medication, the prescribed dosage, and the time or
20 times at which or the circumstances under which the medication
21 is to be administered. Information received by the school
22 district under this subsection shall be kept on file in the
23 office of the school nurse or, in the absence of a school
24 nurse, the school's administrator.

25 (c) The school district must adopt an emergency action
26 plan for a student who self-administers medication under

1 subsection (b). The plan must include both of the following:

2 (1) A plan of action in the event a student is unable
3 to self-administer medication.

4 (2) The situations in which a school must call 9-1-1.

5 (d) The school district and its employees and agents shall
6 incur no liability, except for willful and wanton conduct, as
7 a result of any injury arising from the self-administration of
8 medication by a student under subsection (b). The student's
9 parent or guardian must sign a statement to this effect, which
10 must acknowledge that the parent or guardian must indemnify
11 and hold harmless the school district and its employees and
12 agents against any claims, except a claim based on willful and
13 wanton conduct, arising out of the self-administration of
14 medication by a student.

15 (Source: P.A. 101-205, eff. 1-1-20; 102-558, eff. 8-20-21.)

16 (105 ILCS 5/2-3.10 rep.)

17 (105 ILCS 5/2-3.25e-5 rep.)

18 (105 ILCS 5/2-3.143 rep.)

19 (105 ILCS 5/13B-35.10 rep.)

20 (105 ILCS 5/13B-35.15 rep.)

21 (105 ILCS 5/13B-35.20 rep.)

22 Section 15. The School Code is amended by repealing
23 Sections 2-3.10, 2-3.25e-5, 2-3.143, 13B-35.10, 13B-35.15, and
24 13B-35.20.

1 Section 20. The Educational Opportunity for Military
2 Children Act is amended by changing Sections 20 and 40 as
3 follows:

4 (105 ILCS 70/20)

5 Sec. 20. Definitions. For purposes of this Act:

6 "Active duty military personnel" means active duty members
7 of the uniformed military services, including any of the
8 following:

9 (1) Members of the National Guard and Reserve that are
10 on active duty pursuant to 10 U.S.C. 1209 and 10 U.S.C.
11 1211.

12 (2) Members or veterans of the uniformed services who
13 are severely injured and medically discharged or retired
14 for a period of one year after medical discharge or
15 retirement.

16 (3) Members of the uniformed services who die on
17 active duty for a period of one year after death.

18 "Non-custodial parent" means a person who has temporary
19 custody of the child of any active duty military personnel and
20 who is responsible for making decisions for that child.

21 "State Council" means the State Superintendent of
22 Education or the State Superintendent's designee and
23 additional individuals appointed by the Governor ~~Illinois P-20~~
24 ~~Council and additional representatives appointed by the~~
25 ~~Illinois P-20 Council~~ as provided under Section 40 of this

1 Act.

2 (Source: P.A. 98-673, eff. 6-30-14.)

3 (105 ILCS 70/40)

4 Sec. 40. State coordination.

5 (a) Each member state of the Interstate Commission on
6 Educational Opportunity for Military Children shall, through
7 the creation of a State Council or use of an existing body or
8 board, provide for the coordination among its agencies of
9 government, local education agencies, and military
10 installations concerning the State's participation in and
11 compliance with the compact and Interstate Commission
12 activities. The State Council shall be comprised of (i) the
13 State Superintendent of Education or the State
14 Superintendent's designee and (ii) the following individuals,
15 who shall be appointed by the Governor for State Council
16 membership: ~~The State Council shall be comprised of the~~
17 ~~Illinois P-20 Council,~~

18 (1) one member of the General Assembly, recommended by
19 the Speaker of the House of Representatives;

20 (2) one member of the General Assembly, recommended by
21 the Minority Leader of the House of Representatives;

22 (3) one member of the General Assembly, recommended by
23 the President of the Senate;

24 (4) one member of the General Assembly, recommended by
25 Minority Leader of the Senate;

1 (5) a representative from a school district associated
2 with U.S. Army Garrison - Rock Island Arsenal having the
3 highest percentage of students who are children of active
4 duty military personnel;~~;~~

5 (6) a representative from a school district associated
6 with Scott Air Force Base having the highest percentage of
7 students who are children of active duty military
8 personnel;~~;~~

9 (7) a representative from a school district associated
10 with Naval Station Great Lakes having the highest
11 percentage of students who are children of active duty
12 military personnel; ~~and, a representative from the school~~
13 ~~district with the highest percentage of students who are~~
14 ~~children of active duty military personnel not already~~
15 ~~represented in the State Council, and a non-voting~~

16 (8) a representative recommended ~~appointed~~ by each
17 active-duty military installation commander in this State.

18 Members appointed to the State Council must reflect, as
19 much as possible, the racial, ethnic, and geographic diversity
20 of this State.

21 (b) The compact commissioner responsible for the
22 administration and management of the State's participation in
23 the compact shall be appointed by the Governor from the
24 membership of the State Council ~~the State Council.~~

25 (Source: P.A. 97-216, eff. 1-1-12; 98-673, eff. 6-30-14.)

1 Section 25. The School Safety Drill Act is amended by
2 changing Sections 5, 30, and 45 as follows:

3 (105 ILCS 128/5)

4 Sec. 5. Definitions. In this Act:

5 "First responder" means and includes all fire departments
6 and districts, law enforcement agencies and officials,
7 emergency medical responders, emergency medical dispatchers,
8 and emergency management officials involved in the execution
9 and documentation of the drills administered under this Act.

10 "School" means a public or private facility that offers
11 elementary or secondary education to students under the age of
12 21, ~~a charter school authorized by the State Board of~~
13 ~~Education, or a special education cooperative.~~ As used in this
14 definition, "public facility" means a facility operated by the
15 State or by a unit of local government. As used in this
16 definition, "private facility" means any non-profit,
17 non-home-based, non-public elementary or secondary school that
18 is in compliance with Title VI of the Civil Rights Act of 1964
19 and attendance at which satisfies the requirements of Section
20 26-1 of the School Code. While more than one school may be
21 housed in a facility, for purposes of this Act, the facility
22 shall be considered a school. When a school has more than one
23 location, for purposes of this Act, each different location
24 shall be considered its own school.

25 "School district" means any public school district

1 established under the School Code, any program of a special
2 education joint agreement established under Section 3-15.14,
3 10-22.31, or 10-22.31a of the School Code, or any charter
4 school authorized by the State Board of Education in
5 accordance with Section 27A-7.5 of the School Code.

6 "School safety drill" means a pre-planned exercise
7 conducted by a school in accordance with the drills and
8 requirements set forth in this Act.

9 (Source: P.A. 102-894, eff. 5-20-22; 102-1006, eff. 1-1-23;
10 revised 12-13-22.)

11 (105 ILCS 128/30)

12 Sec. 30. Reporting; duties of the State Fire Marshal,
13 regional superintendents, and the State Board of Education.

14 (a) The State Board of Education ~~Office of the State Fire~~
15 ~~Marshal~~ shall accept, directly, one-page annual review
16 compliance reports from private schools. ~~The Office of the~~
17 ~~State Fire Marshal shall create a mechanism for the reporting~~
18 ~~and filing of these reports and give notice to the private~~
19 ~~schools as to how this reporting shall be made. The Office of~~
20 ~~the State Fire Marshal shall make these records available~~
21 ~~directly to the State Board of Education.~~

22 (b) Each regional superintendent of schools shall provide
23 an annual school safety review compliance report to the State
24 Board of Education as a part of its regular annual report to
25 the State Board, which shall set forth those school districts

1 that have successfully completed their annual review and those
2 school districts that have failed to complete their annual
3 review. These reports shall be delivered to the State Board of
4 Education on or before October 1 of each year.

5 (c) The State Board of Education shall create a mechanism
6 for the reporting and filing of annual school safety review
7 compliance reports and give notice to each regional
8 superintendent of schools and private schools as to how to
9 file reports. The State Board of Education shall file and
10 maintain records of the annual school safety review compliance
11 reports received from each of the regional superintendents of
12 schools and private schools. The State Board shall be
13 responsible for ensuring access to the records by the Office
14 of the State Fire Marshal and other State agencies. The State
15 Board shall provide an annual report to the Office of the
16 Governor and the Office of the State Fire Marshal concerning
17 the compliance of school districts and private schools with
18 the annual school safety review requirement.

19 (Source: P.A. 94-600, eff. 8-16-05.)

20 (105 ILCS 128/45)

21 Sec. 45. Threat assessment procedure.

22 (a) Each school district must implement a threat
23 assessment procedure that may be part of a school board policy
24 on targeted school violence prevention. The procedure must
25 include the creation of a threat assessment team. The team

1 must include all of the following members:

2 (1) An administrator employed by the school district
3 or a special education cooperative that serves the school
4 district and is available to serve.

5 (2) A teacher employed by the school district or a
6 special education cooperative that serves the school
7 district and is available to serve.

8 (3) A school counselor employed by the school district
9 or a special education cooperative that serves the school
10 district and is available to serve.

11 (4) A school psychologist employed by the school
12 district or a special education cooperative that serves
13 the school district and is available to serve.

14 (5) A school social worker employed by the school
15 district or a special education cooperative that serves
16 the school district and is available to serve.

17 (6) At least one law enforcement official.

18 If a school district is unable to establish a threat
19 assessment team with school district staff and resources, it
20 may utilize a regional behavioral threat assessment and
21 intervention team that includes mental health professionals
22 and representatives from the State, county, and local law
23 enforcement agencies.

24 (b) A school district shall establish the threat
25 assessment team under this Section no later than 180 days
26 after August 23, 2019 (the effective date of Public Act

1 ~~101-455) this amendatory Act of the 101st General Assembly~~ and
2 must implement an initial threat assessment procedure no later
3 than 120 days after August 23, 2019 (the effective date of
4 Public Act 101-455) ~~this amendatory Act of the 101st General~~
5 ~~Assembly~~. Each year prior to the start of the school year, the
6 school board shall file the threat assessment procedure and a
7 list identifying the members of the school district's threat
8 assessment team or regional behavior threat assessment and
9 intervention team with (i) a local law enforcement agency and
10 (ii) the regional office of education or, with respect to a
11 school district organized under Article 34 of the School Code,
12 the State Board of Education.

13 (b-5) A charter school operating under a charter issued by
14 a local board of education may adhere to the local board's
15 threat assessment procedure or may implement its own threat
16 assessment procedure in full compliance with the requirements
17 of this Section. The charter agreement shall specify in detail
18 how threat assessment procedures will be determined for the
19 charter school.

20 (b-10) A special education cooperative operating under a
21 joint agreement must implement its own threat assessment
22 procedure in full compliance with the requirements of this
23 Section, including the creation of a threat assessment team,
24 which may consist of individuals employed by the member
25 districts. The procedure must include actions the special
26 education cooperative will take in partnership with its member

1 districts to address a threat.

2 (c) Any sharing of student information under this Section
3 must comply with the federal Family Educational Rights and
4 Privacy Act of 1974 and the Illinois School Student Records
5 Act.

6 (d) (Blank). ~~A charter school must follow the threat
7 assessment procedures implemented by its authorizing school
8 district or must implement its own threat assessment procedure
9 that complies with this Section.~~

10 (Source: P.A. 101-455, eff. 8-23-19; 102-791, eff. 5-13-22;
11 102-894, eff. 5-20-22; revised 8-25-22.)

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

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

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