



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5163

Introduced 2/9/2024, by Rep. Chris Miller

SYNOPSIS AS INTRODUCED:

See Index

Creates the Database Resources for Students Act. Provides that a school district, State agency, public library, or public university or community college may offer digital or online library database resources to students in grades kindergarten through 12 only if the provider of the resources verifies that all the resources have safety policies and technology protection measures that prohibit and prevent a user of the resources from sending, receiving, viewing, or downloading and filter or block access to child pornography, obscene materials, or materials that depict child sexual exploitation. Provides that, notwithstanding any contract provision to the contrary, if a provider fails to comply with these provisions, the school district, State agency, public library, or public university or community college shall withhold further payments to the provider pending verification of compliance. Provides that if a provider fails to timely verify that the provider is in compliance, then the school district, State agency, public library, or public university or community college shall consider the provider's act of noncompliance as a breach of contract. Provides that nothing in the Act exempts from prosecution an employee of a school district, State agency, public library, or public university or community college for a willful violation of the provisions of the Criminal Code of 2012 regarding obscenity and child pornography. Sets forth reporting provisions. Amends the Charter Schools Law of the School Code to provide that the Act applies to charter schools.

LRB103 36670 RJT 66779 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning students.

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

4 Section 1. Short title. This Act may be cited as the
5 Database Resources for Students Act.

6 Section 5. Library database resources; safety policies and
7 technology protection measures.

8 (a) A school district, State agency, public library, or
9 public university or community college may offer digital or
10 online library database resources to students in grades
11 kindergarten through 12 only if the provider of the resources
12 verifies that all the resources comply with subsection (b).

13 (b) Digital or online library database resources offered
14 by a school district, State agency, public library, or public
15 university or community college to students in grades
16 kindergarten through 12 shall have safety policies and
17 technology protection measures that:

18 (1) prohibit and prevent a user of the resources from
19 sending, receiving, viewing, or downloading child
20 pornography, obscene materials, or materials that depict
21 child sexual exploitation under Sections 11-20, 11-20.1,
22 and 11-9.1 of the Criminal Code of 2012; and

23 (2) filter or block access to child pornography,

1 obscene materials, or materials that depict child sexual
2 exploitation under Sections 11-20, 11-20.1, and 11-9.1 of
3 the Criminal Code of 2012.

4 Section 10. Noncompliance.

5 (a) Notwithstanding any contract provision to the
6 contrary, if a provider of digital or online library resources
7 fails to comply with Section 5, the school district, State
8 agency, public library, or public university or community
9 college shall withhold further payments, if any, to the
10 provider pending verification of compliance.

11 (b) If a provider of digital or online library database
12 resources fails to timely verify that the provider is in
13 compliance with subsection (b) of Section 5, then the school
14 district, State agency, public library, or public university
15 or community college shall consider the provider's act of
16 noncompliance as a breach of contract.

17 (c) No later than December 1 of each year, each school
18 district, State agency, public library, public university, and
19 public community college shall submit to the General Assembly
20 an aggregate written report on any issues related to provider
21 noncompliance under this Section.

22 Section 15. Willful violation of criminal law. Nothing in
23 this Act exempts from prosecution an employee of a school
24 district, State agency, public library, or public university

1 or community college for a willful violation of Section 11-20
2 or 11-20.1 of the Criminal Code of 2012.

3 Section 90. The School Code is amended by changing Section
4 27A-5 as follows:

5 (105 ILCS 5/27A-5)

6 (Text of Section before amendment by P.A. 102-466 and
7 103-472)

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

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

14 (b) A charter school may be established under this Article
15 by creating a new school or by converting an existing public
16 school or attendance center to charter school status. In all
17 new applications to establish a charter school in a city
18 having a population exceeding 500,000, operation of the
19 charter school shall be limited to one campus. This limitation
20 does not apply to charter schools existing or approved on or
21 before April 16, 2003.

22 (b-5) (Blank).

23 (c) A charter school shall be administered and governed by
24 its board of directors or other governing body in the manner

1 provided in its charter. The governing body of a charter
2 school shall be subject to the Freedom of Information Act and
3 the Open Meetings Act. A charter school's board of directors
4 or other governing body must include at least one parent or
5 guardian of a pupil currently enrolled in the charter school
6 who may be selected through the charter school or a charter
7 network election, appointment by the charter school's board of
8 directors or other governing body, or by the charter school's
9 Parent Teacher Organization or its equivalent.

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

1 the State Board.

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

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

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

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

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

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

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

14 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
15 34-84a of this Code regarding discipline of students;

16 (3) the Local Governmental and Governmental Employees
17 Tort Immunity Act;

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

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

22 (5.5) subsection (b) of Section 10-23.12 and
23 subsection (b) of Section 34-18.6 of this Code;

24 (6) the Illinois School Student Records Act;

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

- 1 (8) the P-20 Longitudinal Education Data System Act;
- 2 (9) Section 27-23.7 of this Code regarding bullying
- 3 prevention;
- 4 (10) Section 2-3.162 of this Code regarding student
- 5 discipline reporting;
- 6 (11) Sections 22-80 and 27-8.1 of this Code;
- 7 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 8 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 9 (14) Sections 22-90 and 26-18 of this Code;
- 10 (15) Section 22-30 of this Code;
- 11 (16) Sections 24-12 and 34-85 of this Code;
- 12 (17) the Seizure Smart School Act;
- 13 (18) Section 2-3.64a-10 of this Code;
- 14 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 15 (20) Section 10-22.25b of this Code;
- 16 (21) Section 27-9.1a of this Code;
- 17 (22) Section 27-9.1b of this Code;
- 18 (23) Section 34-18.8 of this Code;
- 19 (25) Section 2-3.188 of this Code;
- 20 (26) Section 22-85.5 of this Code;
- 21 (27) subsections (d-10), (d-15), and (d-20) of Section
- 22 10-20.56 of this Code;
- 23 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 24 (29) Section 10-20.13 of this Code;
- 25 (30) Section 28-19.2 of this Code;
- 26 (31) Section 34-21.6 of this Code; ~~and~~

1 (32) Section 22-85.10 of this Code; ~~and-~~

2 (37) the Database Resources for Students Act.

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

5 (h) A charter school may negotiate and contract with a
6 school district, the governing body of a State college or
7 university or public community college, or any other public or
8 for-profit or nonprofit private entity for: (i) the use of a
9 school building and grounds or any other real property or
10 facilities that the charter school desires to use or convert
11 for use as a charter school site, (ii) the operation and
12 maintenance thereof, and (iii) the provision of any service,
13 activity, or undertaking that the charter school is required
14 to perform in order to carry out the terms of its charter.
15 Except as provided in subsection (i) of this Section, a school
16 district may charge a charter school reasonable rent for the
17 use of the district's buildings, grounds, and facilities. Any
18 services for which a charter school contracts with a school
19 district shall be provided by the district at cost. Any
20 services for which a charter school contracts with a local
21 school board or with the governing body of a State college or
22 university or public community college shall be provided by
23 the public entity at 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 by the State
10 Board, then the charter school is its own local education
11 agency.

12 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
13 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
14 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
15 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
16 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
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13 school shall be subject to the Freedom of Information Act and
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16 guardian of a pupil currently enrolled in the charter school
17 who may be selected through the charter school or a charter
18 network election, appointment by the charter school's board of
19 directors or other governing body, or by the charter school's
20 Parent Teacher Organization or its equivalent.

21 (c-5) No later than January 1, 2021 or within the first
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23 school's board of directors or other governing body shall
24 complete a minimum of 4 hours of professional development
25 leadership training to ensure that each member has sufficient
26 familiarity with the board's or governing body's role and

1 responsibilities, including financial oversight and
2 accountability of the school, evaluating the principal's and
3 school's performance, adherence to the Freedom of Information
4 Act and the Open Meetings Act, and compliance with education
5 and labor law. In each subsequent year of his or her term, a
6 voting member of a charter school's board of directors or
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- 11 (31) Section 34-21.6 of this Code; ~~and~~
- 12 (32) Section 22-85.10 of this Code;
- 13 (33) Section 2-3.196 of this Code;
- 14 (34) Section 22-95 of this Code;
- 15 (35) Section 34-18.62 of this Code; ~~and~~
- 16 (36) the Illinois Human Rights Act; and-
- 17 (37) the Database Resources for Students Act.

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
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26 (g) A charter school shall comply with all provisions of

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

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

13 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
14 34-84a of this Code regarding discipline of students;

15 (3) the Local Governmental and Governmental Employees
16 Tort Immunity Act;

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

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

21 (5.5) subsection (b) of Section 10-23.12 and
22 subsection (b) of Section 34-18.6 of this Code;

23 (6) the Illinois School Student Records Act;

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

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

1 (9) Section 27-23.7 of this Code regarding bullying
2 prevention;

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

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

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

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

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

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

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

11 (17) the Seizure Smart School Act;

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

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

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

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

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

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

18 (24) Article 26A of this Code;

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

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

21 (27) subsections (d-10), (d-15), and (d-20) of Section
22 10-20.56 of this Code;

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

24 (29) Section 10-20.13 of this Code;

25 (30) Section 28-19.2 of this Code;

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

- 1 (32) Section 22-85.10 of this Code;
2 (33) Section 2-3.196 of this Code;
3 (34) Section 22-95 of this Code;
4 (35) Section 34-18.62 of this Code; ~~and~~
5 (36) the Illinois Human Rights Act; ~~and~~
6 (37) the Database Resources for Students Act.

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 Except as provided in subsection (i) of this Section, a school
20 district may charge a charter school reasonable rent for the
21 use of the district's buildings, grounds, and facilities. Any
22 services for which a charter school contracts with a school
23 district shall be provided by the district at cost. Any
24 services for which a charter school contracts with a local
25 school board or with the governing body of a State college or
26 university or public community college shall be provided by

1 the public entity at cost.

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

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

13 (k) If the charter school is authorized by the State
14 Board, then the charter school is its own local education
15 agency.

16 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
17 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.
18 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
19 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
20 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
21 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised
22 8-31-23.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

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