



Sen. Laura M. Murphy

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LRB103 05472 RJT 59867 a

1 AMENDMENT TO SENATE BILL 90

2 AMENDMENT NO. _____. Amend Senate Bill 90 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Racism-Free
5 Schools Law.

6 Section 5. The School Code is amended by changing Sections
7 10-20.69, 27-23.7, 27A-5, and 34-18.62 as follows:

8 (105 ILCS 5/10-20.69)

9 Sec. 10-20.69. Policies ~~Policy~~ on ~~sexual~~ harassment and
10 discrimination.

11 (a) Each school district must create, maintain, and
12 implement an age-appropriate policy on sexual harassment that
13 must be posted on the school district's website and, if
14 applicable, any other area where policies, rules, and
15 standards of conduct are currently posted in each school and

1 must also be included in the school district's student code of
2 conduct handbook.

3 (b) Each school district must create, implement, and
4 maintain an age-appropriate policy on race-related harassment
5 and discrimination. This policy must be in compliance with and
6 distributed in accordance with Section 5A-103 of the Illinois
7 Human Rights Act.

8 (Source: P.A. 101-418, eff. 1-1-20; 102-558, eff. 8-20-21.)

9 (105 ILCS 5/27-23.7)

10 Sec. 27-23.7. Bullying prevention.

11 (a) The General Assembly finds that a safe and civil
12 school environment is necessary for students to learn and
13 achieve and that bullying causes physical, psychological, and
14 emotional harm to students and interferes with students'
15 ability to learn and participate in school activities. The
16 General Assembly further finds that bullying has been linked
17 to other forms of antisocial behavior, such as vandalism,
18 shoplifting, skipping and dropping out of school, fighting,
19 using drugs and alcohol, sexual harassment, and sexual
20 violence. Because of the negative outcomes associated with
21 bullying in schools, the General Assembly finds that school
22 districts, charter schools, and non-public, non-sectarian
23 elementary and secondary schools should educate students,
24 parents, and school district, charter school, or non-public,
25 non-sectarian elementary or secondary school personnel about

1 what behaviors constitute prohibited bullying.

2 Bullying on the basis of actual or perceived race, color,
3 religion, sex, national origin, ancestry, age, marital status,
4 physical or mental disability, military status, sexual
5 orientation, gender-related identity or expression,
6 unfavorable discharge from military service, association with
7 a person or group with one or more of the aforementioned actual
8 or perceived characteristics, or any other distinguishing
9 characteristic is prohibited in all school districts, charter
10 schools, and non-public, non-sectarian elementary and
11 secondary schools. No student shall be subjected to bullying:

12 (1) during any school-sponsored education program or
13 activity;

14 (2) while in school, on school property, on school
15 buses or other school vehicles, at designated school bus
16 stops waiting for the school bus, or at school-sponsored
17 or school-sanctioned events or activities;

18 (3) through the transmission of information from a
19 school computer, a school computer network, or other
20 similar electronic school equipment; or

21 (4) through the transmission of information from a
22 computer that is accessed at a nonschool-related location,
23 activity, function, or program or from the use of
24 technology or an electronic device that is not owned,
25 leased, or used by a school district or school if the
26 bullying causes a substantial disruption to the

1 educational process or orderly operation of a school. This
2 item (4) applies only in cases in which a school
3 administrator or teacher receives a report that bullying
4 through this means has occurred and does not require a
5 district or school to staff or monitor any
6 nonschool-related activity, function, or program.

7 (a-5) Nothing in this Section is intended to infringe upon
8 any right to exercise free expression or the free exercise of
9 religion or religiously based views protected under the First
10 Amendment to the United States Constitution or under Section 3
11 of Article I of the Illinois Constitution.

12 (b) In this Section:

13 "Bullying" includes "cyber-bullying" and means any severe
14 or pervasive physical or verbal act or conduct, including
15 communications made in writing or electronically, directed
16 toward a student or students that has or can be reasonably
17 predicted to have the effect of one or more of the following:

18 (1) placing the student or students in reasonable fear
19 of harm to the student's or students' person or property;

20 (2) causing a substantially detrimental effect on the
21 student's or students' physical or mental health;

22 (3) substantially interfering with the student's or
23 students' academic performance; or

24 (4) substantially interfering with the student's or
25 students' ability to participate in or benefit from the
26 services, activities, or privileges provided by a school.

1 Bullying, as defined in this subsection (b), may take
2 various forms, including without limitation one or more of the
3 following: harassment, threats, intimidation, stalking,
4 physical violence, sexual harassment, sexual violence, racial
5 harassment, racial violence, theft, public humiliation,
6 destruction of property, or retaliation for asserting or
7 alleging an act of bullying. This list is meant to be
8 illustrative and non-exhaustive.

9 "Cyber-bullying" means bullying through the use of
10 technology or any electronic communication, including without
11 limitation any transfer of signs, signals, writing, images,
12 sounds, data, or intelligence of any nature transmitted in
13 whole or in part by a wire, radio, electromagnetic system,
14 photoelectronic system, or photooptical system, including
15 without limitation electronic mail, Internet communications,
16 instant messages, or facsimile communications.

17 "Cyber-bullying" includes the creation of a webpage or weblog
18 in which the creator assumes the identity of another person or
19 the knowing impersonation of another person as the author of
20 posted content or messages if the creation or impersonation
21 creates any of the effects enumerated in the definition of
22 bullying in this Section. "Cyber-bullying" also includes the
23 distribution by electronic means of a communication to more
24 than one person or the posting of material on an electronic
25 medium that may be accessed by one or more persons if the
26 distribution or posting creates any of the effects enumerated

1 in the definition of bullying in this Section.

2 "Policy on bullying" means a bullying prevention policy
3 that meets the following criteria:

4 (1) Includes the bullying definition provided in this
5 Section.

6 (1.5) Includes age-appropriate information about the
7 definitions of harassment in elementary, secondary, or
8 higher education and sexual harassment in elementary,
9 secondary, or higher education in accordance with the
10 Illinois Human Rights Act.

11 (1.10) Includes procedures for reporting harassment to
12 school, State, and federal officials and the protections
13 and relief available to victims of harassment under
14 Articles 7A and 8A of the Illinois Human Rights Act and any
15 other applicable State and federal laws.

16 (2) Includes a statement that bullying is contrary to
17 State law and the policy of the school district, charter
18 school, or non-public, non-sectarian elementary or
19 secondary school and is consistent with subsection (a-5)
20 of this Section.

21 (3) Includes procedures for promptly reporting
22 bullying, including, but not limited to, identifying and
23 providing the school e-mail address (if applicable) and
24 school telephone number for the staff person or persons
25 responsible for receiving such reports and a procedure for
26 anonymous reporting; however, this shall not be construed

1 to permit formal disciplinary action solely on the basis
2 of an anonymous report.

3 (4) Consistent with federal and State laws and rules
4 governing student privacy rights, includes procedures for
5 promptly informing parents or guardians of all students
6 involved in the alleged incident of bullying and
7 discussing, as appropriate, the availability of social
8 work services, counseling, school psychological services,
9 other interventions, and restorative measures.

10 (5) Contains procedures for promptly investigating and
11 addressing reports of bullying, including the following:

12 (A) Making all reasonable efforts to complete the
13 investigation within 10 school days after the date the
14 report of the incident of bullying was received and
15 taking into consideration additional relevant
16 information received during the course of the
17 investigation about the reported incident of bullying.

18 (B) Involving appropriate school support personnel
19 and other staff persons with knowledge, experience,
20 and training on bullying prevention, as deemed
21 appropriate, in the investigation process and
22 including one or more persons designated by the school
23 with the appropriate knowledge, experience, or
24 training to identify harassment and the authority to
25 implement appropriate procedures and protections in
26 cases of harassment.

1 (C) Notifying the principal or school
2 administrator or his or her designee of the report of
3 the incident of bullying as soon as possible after the
4 report is received.

5 (D) Consistent with federal and State laws and
6 rules governing student privacy rights, providing
7 parents and guardians of the students who are parties
8 to the investigation information about the
9 investigation and an opportunity to meet with the
10 principal or school administrator or his or her
11 designee to discuss the investigation, the findings of
12 the investigation, and the actions taken to address
13 the reported incident of bullying.

14 (6) Includes the interventions that can be taken to
15 address bullying, which may include, but are not limited
16 to, school social work services, restorative measures,
17 social-emotional skill building, counseling, school
18 psychological services, and community-based services.

19 (7) Includes a statement prohibiting reprisal or
20 retaliation against any person who reports an act of
21 bullying and the consequences and appropriate remedial
22 actions for a person who engages in reprisal or
23 retaliation.

24 (8) Includes consequences and appropriate remedial
25 actions for a person found to have falsely accused another
26 of bullying as a means of retaliation or as a means of

1 bullying.

2 (9) Is based on the engagement of a range of school
3 stakeholders, including students and parents or guardians.

4 (10) Is posted on the school district's, charter
5 school's, or non-public, non-sectarian elementary or
6 secondary school's existing Internet website, is included
7 in the student handbook, and, where applicable, posted
8 where other policies, rules, and standards of conduct are
9 currently posted in the school and provided periodically
10 throughout the school year to students and faculty, and is
11 distributed annually to parents, guardians, students, and
12 school personnel, including new employees when hired.

13 (11) As part of the process of reviewing and
14 re-evaluating the policy under subsection (d) of this
15 Section, contains a policy evaluation process to assess
16 the outcomes and effectiveness of the policy that
17 includes, but is not limited to, factors such as the
18 frequency of victimization; the number and percentages of
19 bullying incidents that also constitute harassment in
20 elementary, secondary, or higher education under the
21 Illinois Human Rights Act; student, staff, and family
22 observations of safety at a school; identification of
23 areas of a school where bullying occurs; the types of
24 bullying utilized; and bystander intervention or
25 participation. The school district, charter school, or
26 non-public, non-sectarian elementary or secondary school

1 may use relevant data and information it already collects
2 for other purposes in the policy evaluation. The
3 information developed as a result of the policy evaluation
4 must be made available on the Internet website of the
5 school district, charter school, or non-public,
6 non-sectarian elementary or secondary school. If an
7 Internet website is not available, the information must be
8 provided to school administrators, school board members,
9 school personnel, parents, guardians, and students.

10 (12) Is consistent with the policies of the school
11 board, charter school, or non-public, non-sectarian
12 elementary or secondary school.

13 "Restorative measures" means a continuum of school-based
14 alternatives to exclusionary discipline, such as suspensions
15 and expulsions, that: (i) are adapted to the particular needs
16 of the school and community, (ii) contribute to maintaining
17 school safety, (iii) protect the integrity of a positive and
18 productive learning climate, (iv) teach students the personal
19 and interpersonal skills they will need to be successful in
20 school and society, (v) serve to build and restore
21 relationships among students, families, schools, and
22 communities, (vi) reduce the likelihood of future disruption
23 by balancing accountability with an understanding of students'
24 behavioral health needs in order to keep students in school,
25 and (vii) increase student accountability if the incident of
26 bullying is based on religion, race, ethnicity, or any other

1 category that is identified in the Illinois Human Rights Act.

2 "School personnel" means persons employed by, on contract
3 with, or who volunteer in a school district, charter school,
4 or non-public, non-sectarian elementary or secondary school,
5 including without limitation school and school district
6 administrators, teachers, school social workers, school
7 counselors, school psychologists, school nurses, cafeteria
8 workers, custodians, bus drivers, school resource officers,
9 and security guards.

10 (c) (Blank).

11 (d) Each school district, charter school, and non-public,
12 non-sectarian elementary or secondary school shall create,
13 maintain, and implement a policy on bullying, which policy
14 must be filed with the State Board of Education. The policy or
15 implementing procedure shall include a process to investigate
16 whether a reported act of bullying is within the permissible
17 scope of the district's or school's jurisdiction and whether
18 the reported act of bullying meets the threshold for
19 harassment in elementary, secondary, or higher education under
20 the Illinois Human Rights Act and shall require that the
21 district or school provide the victim with information
22 regarding services that are available within the district and
23 community, such as counseling, support services, and other
24 programs, and the protections and relief available under
25 Articles 7A and 8A of the Illinois Human Rights Act in cases in
26 which the reported act of bullying meets the threshold for

1 harassment in elementary, secondary, or higher education under
2 the Illinois Human Rights Act. School personnel available for
3 help with a bully or to make a report about bullying shall be
4 made known to parents or legal guardians, students, and school
5 personnel. Every 2 years, each school district, charter
6 school, and non-public, non-sectarian elementary or secondary
7 school shall conduct a review and re-evaluation of its policy
8 and make any necessary and appropriate revisions, including
9 revisions that prevent harassment if appropriate. No later
10 than September 30 of the subject year, the policy must be filed
11 with the State Board of Education after being updated. The
12 State Board of Education shall monitor and provide technical
13 support for the implementation of policies created under this
14 subsection (d). In monitoring the implementation of the
15 policies, the State Board of Education shall review each filed
16 policy on bullying to ensure all policies meet the
17 requirements set forth in this Section, including ensuring
18 that each policy meets the 12 criterion identified within the
19 definition of "policy on bullying" set forth in this Section.

20 If a school district, charter school, or non-public,
21 non-sectarian elementary or secondary school fails to file a
22 policy on bullying by September 30 of the subject year, the
23 State Board of Education shall provide a written request for
24 filing to the school district, charter school, or non-public,
25 non-sectarian elementary or secondary school. If a school
26 district, charter school, or non-public, non-sectarian

1 elementary or secondary school fails to file a policy on
2 bullying within 14 days of receipt of the aforementioned
3 written request, the State Board of Education shall publish
4 notice of the non-compliance on the State Board of Education's
5 website.

6 (e) This Section shall not be interpreted to prevent a
7 victim from seeking redress under any other available civil or
8 criminal law.

9 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
10 102-813, eff. 5-13-22; 102-894, eff. 5-20-22.)

11 (105 ILCS 5/27A-5)

12 (Text of Section before amendment by P.A. 102-466 and
13 102-702)

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

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

20 (b) A charter school may be established under this Article
21 by creating a new school or by converting an existing public
22 school or attendance center to charter school status.
23 Beginning on April 16, 2003 (the effective date of Public Act
24 93-3), in all new applications to establish a charter school
25 in a city having a population exceeding 500,000, operation of

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

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

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

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

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

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

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

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

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

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

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

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

24 (g) A charter school shall comply with all provisions of
25 this Article, the Illinois Educational Labor Relations Act,
26 all federal and State laws and rules applicable to public

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

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

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
12 34-84a of this Code regarding discipline of students;

13 (3) the Local Governmental and Governmental Employees
14 Tort Immunity Act;

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

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

19 (5.5) subsection (b) of Section 10-23.12 and
20 subsection (b) of Section 34-18.6 of this Code;

21 (6) the Illinois School Student Records Act;

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

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

25 (9) Section 27-23.7 of this Code regarding bullying
26 prevention;

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

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

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

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

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

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

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

9 (17) the Seizure Smart School Act;

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

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

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

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

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

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

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

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

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

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

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

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

23 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~

24 (33) Sections 10-20.69 and 34-18.62 of this Code.

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

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

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

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

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

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

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

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

25 (a) A charter school shall be a public, nonsectarian,

1 nonreligious, non-home based, and non-profit school. A charter
2 school shall be organized and operated as a nonprofit
3 corporation or other discrete, legal, nonprofit entity
4 authorized under the laws of the State of Illinois.

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

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

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

1 school with virtual-schooling components already approved
2 prior to April 1, 2013.

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

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

1 and labor law. In each subsequent year of his or her term, a
2 voting member of a charter school's board of directors or
3 other governing body shall complete a minimum of 2 hours of
4 professional development training in these same areas. The
5 training under this subsection may be provided or certified by
6 a statewide charter school membership association or may be
7 provided or certified by other qualified providers approved by
8 the State Board of Education.

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

21 A charter school shall comply with all non-curricular
22 health and safety requirements applicable to public schools
23 under the laws of the State of Illinois. On or before September
24 1, 2015, the State Board shall promulgate and post on its
25 Internet website a list of non-curricular health and safety
26 requirements that a charter school must meet. The list shall

1 be updated annually no later than September 1. Any charter
2 contract between a charter school and its authorizer must
3 contain a provision that requires the charter school to follow
4 the list of all non-curricular health and safety requirements
5 promulgated by the State Board and any non-curricular health
6 and safety requirements added by the State Board to such list
7 during the term of the charter. Nothing in this subsection (d)
8 precludes an authorizer from including non-curricular health
9 and safety requirements in a charter school contract that are
10 not contained in the list promulgated by the State Board,
11 including non-curricular health and safety requirements of the
12 authorizing local school board.

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

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

1 charter school shall submit to its authorizer and the State
2 Board a copy of its audit and a copy of the Form 990 the
3 charter school filed that year with the federal Internal
4 Revenue Service. In addition, if deemed necessary for proper
5 financial oversight of the charter school, an authorizer may
6 require quarterly financial statements from each charter
7 school.

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

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

21 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
22 34-84a of this Code regarding discipline of students;

23 (3) the Local Governmental and Governmental Employees
24 Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit
26 Corporation Act of 1986 regarding indemnification of

1 officers, directors, employees, and agents;

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

3 (5.5) subsection (b) of Section 10-23.12 and
4 subsection (b) of Section 34-18.6 of this Code;

5 (6) the Illinois School Student Records Act;

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

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

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

11 (10) Section 2-3.162 of this Code regarding student
12 discipline reporting;

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

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

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

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

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

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

19 (17) the Seizure Smart School Act;

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

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

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

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

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

25 (23) Section 34-18.8 of this Code; ~~and~~

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

- 1 (26) Section 22-85.5 of this Code;
- 2 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 3 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 4 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- 5 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 6 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 7 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 8 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~and~~
- 9 (33) Sections 10-20.69 and 34-18.62 of this Code.

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

11 (g) is declaratory of existing law.

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

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

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

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

16 school building and grounds or any other real property or

17 facilities that the charter school desires to use or convert

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

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

20 activity, or undertaking that the charter school is required

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

22 However, a charter school that is established on or after

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

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

25 not contract with a for-profit entity to manage or operate the

26 school during the period that commences on April 16, 2003 (the

1 effective date of Public Act 93-3) and concludes at the end of
2 the 2004-2005 school year. Except as provided in subsection
3 (i) of this Section, a school district may charge a charter
4 school reasonable rent for the use of the district's
5 buildings, grounds, and facilities. Any services for which a
6 charter school contracts with a school district shall be
7 provided by the district at cost. Any services for which a
8 charter school contracts with a local school board or with the
9 governing body of a State college or university or public
10 community college shall be provided by the public entity at
11 cost.

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

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

23 (k) If the charter school is approved by the State Board or
24 Commission, then the charter school is its own local education
25 agency.

26 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;

1 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
2 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
3 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
4 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
5 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,
6 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

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

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

24 (b-5) In this subsection (b-5), "virtual-schooling" means
25 a cyber school where students engage in online curriculum and

1 instruction via the Internet and electronic communication with
2 their teachers at remote locations and with students
3 participating at different times.

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

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

26 (c-5) No later than January 1, 2021 (one year after the

1 effective date of Public Act 101-291) or within the first year
2 of his or her first term, every voting member of a charter
3 school's board of directors or other governing body shall
4 complete a minimum of 4 hours of professional development
5 leadership training to ensure that each member has sufficient
6 familiarity with the board's or governing body's role and
7 responsibilities, including financial oversight and
8 accountability of the school, evaluating the principal's and
9 school's performance, adherence to the Freedom of Information
10 Act and the Open Meetings Act, and compliance with education
11 and labor law. In each subsequent year of his or her term, a
12 voting member of a charter school's board of directors or
13 other governing body shall complete a minimum of 2 hours of
14 professional development training in these same areas. The
15 training under this subsection may be provided or certified by
16 a statewide charter school membership association or may be
17 provided or certified by other qualified providers approved by
18 the State Board of Education.

19 (d) For purposes of this subsection (d), "non-curricular
20 health and safety requirement" means any health and safety
21 requirement created by statute or rule to provide, maintain,
22 preserve, or safeguard safe or healthful conditions for
23 students and school personnel or to eliminate, reduce, or
24 prevent threats to the health and safety of students and
25 school personnel. "Non-curricular health and safety
26 requirement" does not include any course of study or

1 specialized instructional requirement for which the State
2 Board has established goals and learning standards or which is
3 designed primarily to impart knowledge and skills for students
4 to master and apply as an outcome of their education.

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

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

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

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

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

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

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

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

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

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

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

15 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

- 1 (15) Section 22-30 of this Code;
- 2 (16) Sections 24-12 and 34-85 of this Code;
- 3 (17) the Seizure Smart School Act;
- 4 (18) Section 2-3.64a-10 of this Code;
- 5 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 6 (20) Section 10-22.25b of this Code;
- 7 (21) Section 27-9.1a of this Code;
- 8 (22) Section 27-9.1b of this Code;
- 9 (23) Section 34-18.8 of this Code;
- 10 (24) Article 26A of this Code; ~~and~~
- 11 (25) Section 2-3.188 of this Code;
- 12 (26) Section 22-85.5 of this Code;
- 13 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 14 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 15 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- 16 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 17 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 18 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 19 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~and~~
- 20 (33) Sections 10-20.69 and 34-18.62 of this Code.

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

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

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

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

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

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

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

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

19 (105 ILCS 5/34-18.62)

20 Sec. 34-18.62. Policies ~~Policy~~ on ~~sexual~~ harassment and
21 discrimination.

22 (a) The school district must create, maintain, and
23 implement an age-appropriate policy on sexual harassment that
24 must be posted on the school district's website and, if
25 applicable, any other area where policies, rules, and

1 standards of conduct are currently posted in each school and
2 must also be included in the school district's student code of
3 conduct handbook.

4 (b) The school district must create, implement, and
5 maintain an age-appropriate policy on race-related harassment
6 and discrimination. This policy must be in compliance with and
7 distributed in accordance with Section 5A-103 of the Illinois
8 Human Rights Act.

9 (Source: P.A. 101-418, eff. 1-1-20; 102-558, eff. 8-20-21.)

10 Section 10. The Illinois Human Rights Act is amended by
11 changing Sections 1-102, 5A-101, 5A-102, and 6-101 and by
12 adding Section 5A-103 as follows:

13 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

14 Sec. 1-102. Declaration of Policy. It is the public
15 policy of this State:

16 (A) Freedom from Unlawful Discrimination. To secure for
17 all individuals within Illinois the freedom from
18 discrimination against any individual because of his or her
19 race, color, religion, sex, national origin, ancestry, age,
20 order of protection status, marital status, physical or mental
21 disability, military status, sexual orientation, pregnancy, or
22 unfavorable discharge from military service in connection with
23 employment, real estate transactions, access to financial
24 credit, and the availability of public accommodations,

1 including elementary, secondary, and higher education
2 institutions.

3 (B) Freedom from Sexual Harassment-Employment and
4 Elementary, Secondary, and Higher Education. To prevent sexual
5 harassment in employment and sexual harassment in elementary,
6 secondary, and higher education.

7 (C) Freedom from Discrimination Based on Citizenship
8 Status-Employment. To prevent discrimination based on
9 citizenship status in employment.

10 (C-5) Freedom from Discrimination Based on Work
11 Authorization Status-Employment. To prevent discrimination
12 based on the specific status or term of status that
13 accompanies a legal work authorization.

14 (D) Freedom from Discrimination Based on Familial Status
15 or Source of Income-Real Estate Transactions. To prevent
16 discrimination based on familial status or source of income in
17 real estate transactions.

18 (E) Public Health, Welfare and Safety. To promote the
19 public health, welfare and safety by protecting the interest
20 of all people in Illinois in maintaining personal dignity, in
21 realizing their full productive capacities, and in furthering
22 their interests, rights and privileges as citizens of this
23 State.

24 (F) Implementation of Constitutional Guarantees. To secure
25 and guarantee the rights established by Sections 17, 18 and 19
26 of Article I of the Illinois Constitution of 1970.

1 (G) Equal Opportunity, Affirmative Action. To establish
2 Equal Opportunity and Affirmative Action as the policies of
3 this State in all of its decisions, programs and activities,
4 and to assure that all State departments, boards, commissions
5 and instrumentalities rigorously take affirmative action to
6 provide equality of opportunity and eliminate the effects of
7 past discrimination in the internal affairs of State
8 government and in their relations with the public.

9 (H) Unfounded Charges. To protect citizens of this State
10 against unfounded charges of unlawful discrimination, sexual
11 harassment in employment and sexual harassment in elementary,
12 secondary, and higher education, race-related harassment in
13 elementary, secondary, and higher education and discrimination
14 based on citizenship status or work authorization status in
15 employment.

16 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

17 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

18 Sec. 5A-101. Definitions. The following definitions are
19 applicable strictly in the content of this Article, except
20 that the terms ~~term~~ "sexual harassment in elementary,
21 secondary, and higher education" and "race related harassment
22 in elementary, secondary, and higher education" as defined
23 herein have ~~has~~ the meaning herein ascribed to those terms ~~it~~
24 whenever those terms are ~~that term is~~ used anywhere in this
25 Act.

1 (A) Institution of Elementary, Secondary, or Higher
2 Education. "Institution of elementary, secondary, or higher
3 education" means: (1) a publicly or privately operated
4 university, college, community college, junior college,
5 business or vocational school, or other educational
6 institution offering degrees and instruction beyond the
7 secondary school level; or (2) a publicly or privately
8 operated elementary school or secondary school.

9 (B) Degree. "Degree" means: (1) a designation,
10 appellation, series of letters or words or other symbols which
11 signifies or purports to signify that the recipient thereof
12 has satisfactorily completed an organized academic, business
13 or vocational program of study offered beyond the secondary
14 school level; or (2) a designation signifying that the
15 recipient has graduated from an elementary school or secondary
16 school.

17 (C) Student. "Student" means any individual admitted to or
18 applying for admission to an institution of elementary,
19 secondary, or higher education, or enrolled on a full or part
20 time basis in a course or program of academic, business or
21 vocational instruction offered by or through an institution of
22 elementary, secondary, or higher education.

23 (D) Elementary, Secondary, or Higher Education
24 Representative. "Elementary, secondary, or higher education
25 representative" means and includes the president, chancellor
26 or other holder of any executive office on the administrative

1 staff of an institution of higher education, an administrator
2 of an elementary school or secondary school, a member of the
3 faculty of an institution of higher education, including but
4 not limited to a dean or associate or assistant dean, a
5 professor or associate or assistant professor, and a full or
6 part time instructor or visiting professor, including a
7 graduate assistant or other student who is employed on a
8 temporary basis of less than full time as a teacher or
9 instructor of any course or program of academic, business or
10 vocational instruction offered by or through an institution of
11 higher education, and any teacher, instructor, or other
12 employee of an elementary school or secondary school.

13 (E) Sexual Harassment in Elementary, Secondary, and Higher
14 Education. "Sexual harassment in elementary, secondary, and
15 higher education" means any unwelcome sexual advances or
16 requests for sexual favors made by an elementary, secondary,
17 or higher education representative to a student, or any
18 conduct of a sexual nature exhibited by an elementary,
19 secondary, or higher education representative toward a
20 student, when such conduct has the purpose of substantially
21 interfering with the student's educational performance or
22 creating an intimidating, hostile or offensive educational
23 environment; or when the elementary, secondary, or higher
24 education representative either explicitly or implicitly makes
25 the student's submission to such conduct a term or condition
26 of, or uses the student's submission to or rejection of such

1 conduct as a basis for determining:

2 (1) Whether the student will be admitted to an
3 institution of elementary, secondary, or higher education;

4 (2) The educational performance required or expected
5 of the student;

6 (3) The attendance or assignment requirements
7 applicable to the student;

8 (4) To what courses, fields of study or programs,
9 including honors and graduate programs, the student will
10 be admitted;

11 (5) What placement or course proficiency requirements
12 are applicable to the student;

13 (6) The quality of instruction the student will
14 receive;

15 (7) What tuition or fee requirements are applicable to
16 the student;

17 (8) What scholarship opportunities are available to
18 the student;

19 (9) What extracurricular teams the student will be a
20 member of or in what extracurricular competitions the
21 student will participate;

22 (10) Any grade the student will receive in any
23 examination or in any course or program of instruction in
24 which the student is enrolled;

25 (11) The progress of the student toward successful
26 completion of or graduation from any course or program of

1 instruction in which the student is enrolled; or

2 (12) What degree, if any, the student will receive.

3 (F) Race-Related Harassment in Elementary, Secondary, or
4 Higher Education. "Race-related harassment in elementary,
5 secondary, or higher education" means any unwelcome conduct on
6 the basis of an individual's actual or perceived race, color,
7 or national origin, that has the purpose or effect of
8 substantially interfering with the individual's academic
9 performance or creating an intimidating, hostile, or offensive
10 academic environment. For purposes of this definition, the
11 phrase "academic environment" is not limited to a physical
12 location that an employee is assigned to in order to perform
13 his or her duties.

14 (Source: P.A. 96-1319, eff. 7-27-10.)

15 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

16 Sec. 5A-102. Civil Rights Violations-Elementary,
17 Secondary, and Higher Education. It is a civil rights
18 violation:

19 (A) Sexual Harassment-Elementary ~~Elementary~~, Secondary, or
20 Higher Education Representative. For any elementary,
21 secondary, or higher education representative to commit or
22 engage in sexual harassment in elementary, secondary, or
23 higher education.

24 (B) Sexual Harassment-Institution ~~Institution~~ of
25 Elementary, Secondary, or Higher Education. For any

1 institution of elementary, secondary, or higher education to
2 fail to take remedial action, or to fail to take appropriate
3 disciplinary action against an elementary, secondary, or
4 higher education representative employed by such institution,
5 when such institution knows that such elementary, secondary,
6 or higher education representative was committing or engaging
7 in or committed or engaged in sexual harassment in elementary,
8 secondary, or higher education.

9 (C) Race-Related Harassment-Elementary, Secondary, or
10 Higher Education Representative. For any elementary,
11 secondary, or higher education representative to commit or
12 engage in race-related harassment in elementary, secondary, or
13 higher education.

14 (D) Race-Related Harassment-Institution of Elementary,
15 Secondary, or Higher Education. For any institution of
16 elementary, secondary, or higher education to fail to take
17 remedial action or to fail to take appropriate disciplinary
18 action against an elementary, secondary, or higher education
19 representative employed by the institution if the institution
20 knows that the elementary, secondary, or higher education
21 representative was committing or engaging in or committed or
22 engaged in harassment in elementary, secondary, or higher
23 education.

24 (Source: P.A. 96-574, eff. 8-18-09; 96-1319, eff. 7-27-10.)

1 Sec. 5A-103. Race-related harassment.

2 (a) The General Assembly finds that the organizational
3 tolerance of race-related harassment has a detrimental
4 influence in schools, contributing to psychological and
5 physical harm, substance abuse, and poorer academic outcomes
6 for students of color and higher rates of teacher turnover
7 among teachers of color. The General Assembly further finds
8 that incidents of race-related harassment have increased
9 significantly, with students of color experiencing, on
10 average, as many as 5 incidents of racism a day. It is the
11 General Assembly's intent that each institution of elementary,
12 secondary, or higher education in this State adopt and
13 actively implement policies to reduce race-related harassment;
14 to ensure students, parents or guardians, and employees know
15 how to recognize and report harassment; and to ensure
16 institutions are safe for students, parents or guardians, and
17 employees to report race-related harassment without fear of
18 retaliation, loss of status, or loss of opportunities.

19 (b) Each institution of elementary, secondary, or higher
20 education to which this Act applies shall establish,
21 implement, and maintain a continuing race-related harassment
22 program that shall include all of the following:

23 (1) The development of a written policy on
24 race-related harassment that includes, at a minimum, the
25 following information:

26 (A) the illegality of unlawful harassment in

1 elementary, secondary, or higher education;

2 (B) the definitions of unlawful harassment in
3 elementary, secondary, or higher education under this
4 Act;

5 (C) the illegality of criteria or methods of
6 administration that have the effect of subjecting
7 individuals to harassment because of their race,
8 color, national origin, or gender, as described in the
9 Illinois Civil Rights Act of 2003;

10 (D) descriptions of various forms of harassment
11 related to race, including, but not limited to,
12 microaggressions, derogatory cultural appropriation,
13 and discrimination based on disparate impact,
14 utilizing examples;

15 (E) the institution's internal complaint process,
16 including penalties;

17 (F) the legal recourse, investigative, and
18 complaint process available through the Department and
19 the Commission and through federal agencies;

20 (G) directions on how to contact the Department
21 and Commission; and

22 (H) protection against retaliation as provided in
23 Section 6-101 of this Act.

24 This policy may be included as part of a broader
25 anti-harassment policy provided it is distinguished with
26 an appropriate title, heading, or label. The policy shall

1 be reviewed annually.

2 (2) The posting, in a prominent and accessible
3 location, and distribution, in a manner to ensure notice
4 to all employees without exception, of the institution's
5 policy described in paragraph (1). Such documents may
6 meet, but shall not exceed, a sixth-grade literacy level.
7 Distribution shall be effectuated within 90 days after the
8 effective date of this amendatory Act of the 103rd General
9 Assembly and shall occur annually thereafter.

10 (3) Distribution of the institution's policy described
11 in paragraph (1) on the institution's Internet website, in
12 a student handbook if one exists, and in a posting where
13 other policies, rules, and standards of conduct are
14 posted, if applicable, periodically throughout the school
15 year to students and faculty, and an annual distribution
16 of a summary of the policy in accessible, age-appropriate
17 language to students and to the parents or guardians of
18 minor students.

19 (4) Training on the prevention of race-related
20 harassment under the institution's policy described in
21 paragraph (1) as a component of all ongoing or new
22 employee training programs for elementary, secondary, or
23 higher education representatives. The training must regard
24 participants as potential bystanders, rather than
25 potential offenders; provide participants with criteria
26 for identifying racial harassment; and include all of the

1 elements required to be included in the policy described
2 in paragraph (1).

3 (c) In the creation and implementation of policies and
4 procedures to prevent and address race-related harassment,
5 institutions of elementary, secondary, or higher education:

6 (1) shall reduce or remove, to the extent practicable,
7 barriers to student reporting of race-related harassment
8 in order to minimize the burden on students who wish to
9 report harassment;

10 (2) shall permit any person who reports a violation or
11 any victim of a civil rights violation to be accompanied
12 by an advisor of the person's choice when making a report
13 and in subsequent interactions with elementary, secondary,
14 or higher education representatives who are investigating
15 or taking action as a result of a report;

16 (3) shall provide a procedure for anonymous reporting;
17 however, this paragraph(3) may not be construed to permit
18 formal disciplinary action solely on the basis of an
19 anonymous report;

20 (4) shall differentiate interventions based on whether
21 the offender is a minor or an adult, on whether the
22 offender is a student or an elementary, secondary, or
23 higher education representative, and on the severity and
24 pervasiveness of the offense. For students and minors,
25 interventions may include, but are not limited to, school
26 social work services, restorative measures, schedule

1 changes or class reassignment, social-emotional skill
2 building, education about diversity or implicit bias,
3 counseling, school psychological services,
4 community-based services, suspension, or expulsion. For
5 elementary, secondary, or higher education
6 representatives, interventions may include, but are not
7 limited to, restorative measures, social-emotional skill
8 building, additional training concerning diversity or
9 implicit bias, counseling, suspension, demotion, or
10 dismissal;

11 (5) may offer a person who reports a civil rights
12 violation the option to pursue reconciliation with the
13 offender but may not require or unduly influence that
14 person to pursue such reconciliation; and

15 (6) may not cause a victim of a civil rights violation
16 to suffer adverse consequences as a result of a report of,
17 investigation of, or response to that violation,
18 including, but not limited to, being reassigned to a less
19 rigorous academic course of study, being forced to take
20 paid or unpaid leave, being demoted or denied promotion or
21 additional titles, or being otherwise disciplined. This
22 protection may not permit victims to engage in retaliation
23 against the offender or limit an institution of
24 elementary, secondary, or higher education from applying
25 disciplinary measures in response to other acts or conduct
26 not related to the process of reporting, investigating, or

1 responding to a civil rights violation.

2 (d) The Department shall produce a model race-related
3 harassment prevention training program aimed at the prevention
4 of race-related harassment in schools. The model program shall
5 be made available to institutions of elementary, secondary, or
6 higher education and to the public online at no cost. This
7 model program shall meet the requirements of paragraph (4) of
8 subsection (b).

9 (e) Each institution of elementary, secondary, or higher
10 education shall annually submit a report to the Department
11 that includes the current policy on race-related harassment
12 described in paragraph (1) of subsection (b), the number of
13 reports of race-related harassment received in the preceding
14 academic year; the type or types of race-related harassment
15 included in each report as described in this Act; and the
16 outcome of each report, including the response taken to
17 address or prevent harassment, if applicable. This annual
18 report may not include any information that personally
19 identifies any individual or group of individuals. The
20 Department shall provide a standard format for reporting to
21 all institutions of elementary, secondary, or higher
22 education.

23 (f) Upon notification of a failure to establish,
24 implement, or maintain a continuing race-related harassment
25 program as set forth in subsection (b), the Department may
26 launch a preliminary investigation. If the Department finds a

1 failure to conform to the requirements of subsection (b), the
2 Department may issue a notice to show cause, giving the
3 institution 30 days to correct the failure to conform. If the
4 failure to conform is not corrected, the Department may
5 initiate a charge of a civil rights violation.

6 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

7 Sec. 6-101. Additional civil rights violations under
8 Articles 2, 4, 5, and 5A. It is a civil rights violation for a
9 person, or for 2 or more persons, to conspire to:

10 (A) Retaliation. Retaliate against a person because he
11 or she has opposed that which he or she reasonably and in
12 good faith believes to be unlawful discrimination,
13 race-related harassment, race-related harassment in
14 elementary, secondary, or higher education, sexual
15 harassment in employment, sexual harassment in elementary,
16 secondary, and higher education, or discrimination based
17 on arrest record, citizenship status, or work
18 authorization status in employment under Articles 2, 4, 5,
19 and 5A, because he or she has made a charge, filed a
20 complaint, testified, assisted, or participated in an
21 investigation, proceeding, or hearing under this Act, or
22 because he or she has requested, attempted to request,
23 used, or attempted to use a reasonable accommodation as
24 allowed by this Act;

25 (B) Aiding and Abetting; Coercion. Aid, abet, compel,

1 or coerce a person to commit any violation of this Act;

2 (C) Interference. Wilfully interfere with the
3 performance of a duty or the exercise of a power by the
4 Commission or one of its members or representatives or the
5 Department or one of its officers or employees.

6 Definitions. For the purposes of this Section, "sexual
7 harassment", "race-related harassment", "citizenship status",
8 and "work authorization status" shall have the same meaning as
9 defined in Section 2-101 of this Act.

10 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;
11 102-813, eff. 5-13-22.)

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 August
20 1, 2024."