



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1833

Introduced 2/9/2023, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

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

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

LRB103 27988 RJT 54367 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

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

6 (105 ILCS 5/27A-5)

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

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

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

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

1 effective date of Public Act 93-3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2 training under this subsection may be provided or certified by
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23 Corporation Act of 1986 regarding indemnification of
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7 The change made by Public Act 96-104 to this subsection

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

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

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

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

13 school building and grounds or any other real property or

14 facilities that the charter school desires to use or convert

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

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

17 activity, or undertaking that the charter school is required

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

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

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

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

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26 school's board of directors or other governing body shall

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

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

24 (f) A charter school shall be responsible for the
25 management and operation of its fiscal affairs, including, but
26 not limited to, the preparation of its budget. An audit of each

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

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

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

1 for employment;

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

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

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

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

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

12 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

26 (17) the Seizure Smart School Act;

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

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

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

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

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

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

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

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

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

16 (105 ILCS 5/28-22 new)

17 Sec. 28-22. Literature selection requirements.

18 (a) This Section may be referred to as the Diversity in
19 Literature Law.

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

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

8 (1) Ability.

9 (2) Race.

10 (3) Language.

11 (4) Beliefs.

12 (5) Gender.

13 (6) Culture.

14 (7) Family dynamics.

15 (8) Socioeconomic status.

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

1 any persons.

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

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

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