

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 Sections  
5 2-3.62, 27A-5, and 34-18.8 and by adding Sections 27-9.1a and  
6 27-9.1b as follows:

7 (105 ILCS 5/2-3.62) (from Ch. 122, par. 2-3.62)

8 Sec. 2-3.62. Educational service centers.

9 (a) A regional network of educational service centers  
10 shall be established by the State Board of Education to  
11 coordinate and combine existing services in a manner which is  
12 practical and efficient and to provide new services to schools  
13 as provided in this Section. Services to be made available by  
14 such centers shall include the planning, implementation and  
15 evaluation of:

16 (1) (blank);

17 (2) computer technology education;

18 (3) mathematics, science and reading resources for  
19 teachers including continuing education, inservice  
20 training and staff development.

21 The centers may provide training, technical assistance,  
22 coordination and planning in other program areas such as  
23 school improvement, school accountability, financial planning,

1 consultation, and services, career guidance, early childhood  
2 education, alcohol/drug education and prevention,  
3 comprehensive personal health and safety education and  
4 comprehensive sexual health ~~family life~~ ~~sex~~ education,  
5 electronic transmission of data from school districts to the  
6 State, alternative education and regional special education,  
7 and telecommunications systems that provide distance learning.  
8 Such telecommunications systems may be obtained through the  
9 Department of Central Management Services pursuant to Section  
10 405-270 of the Department of Central Management Services Law  
11 (20 ILCS 405/405-270). The programs and services of  
12 educational service centers may be offered to private school  
13 teachers and private school students within each service  
14 center area provided public schools have already been afforded  
15 adequate access to such programs and services.

16 Upon the abolition of the office, removal from office,  
17 disqualification for office, resignation from office, or  
18 expiration of the current term of office of the regional  
19 superintendent of schools, whichever is earlier, the chief  
20 administrative officer of the centers serving that portion of  
21 a Class II county school unit outside of a city of 500,000 or  
22 more inhabitants shall have and exercise, in and with respect  
23 to each educational service region having a population of  
24 2,000,000 or more inhabitants and in and with respect to each  
25 school district located in any such educational service  
26 region, all of the rights, powers, duties, and

1 responsibilities theretofore vested by law in and exercised  
2 and performed by the regional superintendent of schools for  
3 that area under the provisions of this Code or any other laws  
4 of this State.

5 The State Board of Education shall promulgate rules and  
6 regulations necessary to implement this Section. The rules  
7 shall include detailed standards which delineate the scope and  
8 specific content of programs to be provided by each  
9 Educational Service Center, as well as the specific planning,  
10 implementation and evaluation services to be provided by each  
11 Center relative to its programs. The Board shall also provide  
12 the standards by which it will evaluate the programs provided  
13 by each Center.

14 (b) Centers serving Class 1 county school units shall be  
15 governed by an 11-member board, 3 members of which shall be  
16 public school teachers nominated by the local bargaining  
17 representatives to the appropriate regional superintendent for  
18 appointment and no more than 3 members of which shall be from  
19 each of the following categories, including but not limited to  
20 superintendents, regional superintendents, school board  
21 members and a representative of an institution of higher  
22 education. The members of the board shall be appointed by the  
23 regional superintendents whose school districts are served by  
24 the educational service center. The composition of the board  
25 will reflect the revisions of this amendatory Act of 1989 as  
26 the terms of office of current members expire.

1 (c) The centers shall be of sufficient size and number to  
2 assure delivery of services to all local school districts in  
3 the State.

4 (d) From monies appropriated for this program the State  
5 Board of Education shall provide grants paid from the Personal  
6 Property Tax Replacement Fund to qualifying Educational  
7 Service Centers applying for such grants in accordance with  
8 rules and regulations promulgated by the State Board of  
9 Education to implement this Section.

10 (e) The governing authority of each of the 18 regional  
11 educational service centers shall appoint a comprehensive  
12 personal health and safety education and comprehensive sexual  
13 health ~~family life~~ ~~sex~~ education advisory board consisting  
14 of 2 parents, 2 teachers, 2 school administrators, 2 school  
15 board members, 2 health care professionals, one library system  
16 representative, and the director of the regional educational  
17 service center who shall serve as chairperson of the advisory  
18 board so appointed. Members of the comprehensive personal  
19 health and safety education and comprehensive sexual health  
20 family life ~~sex~~ education advisory boards shall serve  
21 without compensation. Each of the advisory boards appointed  
22 pursuant to this subsection shall develop a plan for regional  
23 teacher-parent comprehensive personal health and safety  
24 education and comprehensive sexual health ~~family life~~ ~~sex~~  
25 education training sessions and shall file a written report of  
26 such plan with the governing board of their regional

1 educational service center. The directors of each of the  
2 regional educational service centers shall thereupon meet,  
3 review each of the reports submitted by the advisory boards  
4 and combine those reports into a single written report which  
5 they shall file with the Citizens Council on School Problems  
6 prior to the end of the regular school term of the 1987-1988  
7 school year.

8 (f) The 14 educational service centers serving Class I  
9 county school units shall be disbanded on the first Monday of  
10 August, 1995, and their statutory responsibilities and  
11 programs shall be assumed by the regional offices of  
12 education, subject to rules and regulations developed by the  
13 State Board of Education. The regional superintendents of  
14 schools elected by the voters residing in all Class I counties  
15 shall serve as the chief administrators for these programs and  
16 services.

17 (Source: P.A. 98-24, eff. 6-19-13; 98-647, eff. 6-13-14;  
18 99-30, eff. 7-10-15.)

19 (105 ILCS 5/27-9.1a new)

20 Sec. 27-9.1a. Comprehensive personal health and safety and  
21 comprehensive sexual health education.

22 (a) In this Section:

23 "Adapt" means to modify an evidence-based or  
24 evidence-informed program model for use with a particular  
25 demographic, ethnic, linguistic, or cultural group.

1 "Age and developmentally appropriate" means suitable to  
2 particular ages or age groups of children and adolescents,  
3 based on the developing cognitive, emotional, and behavioral  
4 capacity typical for the age or age group.

5 "Characteristics of effective programs" includes  
6 development, content, and implementation of such programs that  
7 (i) have been shown to be effective in terms of increasing  
8 knowledge, clarifying values and attitudes, increasing skills,  
9 and impacting behavior, (ii) are widely recognized by leading  
10 medical and public health agencies to be effective in changing  
11 sexual behaviors that lead to sexually transmitted infections,  
12 including HIV, unintended pregnancy, interpersonal violence,  
13 and sexual violence among young people, and (iii) are taught  
14 by professionals who provide a safe learning space, free from  
15 shame, stigma, and ideology and are trained in trauma-informed  
16 teaching methodologies.

17 "Complete" means information that aligns with the National  
18 Sex Education Standards, including information on consent and  
19 healthy relationships, anatomy and physiology, puberty and  
20 adolescent sexual development, gender identity and expression,  
21 sexual orientation and identity, sexual health, and  
22 interpersonal violence.

23 "Comprehensive personal health and safety education" means  
24 age and developmentally appropriate education that aligns with  
25 the National Sex Education Standards, including information on  
26 consent and healthy relationships, anatomy and physiology,

1 puberty and adolescent sexual development, gender identity and  
2 expression, sexual orientation and identity, sexual health,  
3 and interpersonal violence.

4 "Comprehensive sexual health education" means age and  
5 developmentally appropriate education that aligns with the  
6 National Sex Education Standards, including information on  
7 consent and healthy relationships, anatomy and physiology,  
8 puberty and adolescent sexual development, gender identity and  
9 expression, sexual orientation and identity, sexual health,  
10 and interpersonal violence.

11 "Consent" means an affirmative, knowing, conscious,  
12 ongoing, and voluntary agreement to engage in interpersonal,  
13 physical, or sexual activity, which can be revoked at any  
14 point, including during the course of interpersonal, physical,  
15 or sexual activity.

16 "Culturally appropriate" means affirming culturally  
17 diverse individuals, families, and communities in an  
18 inclusive, respectful, and effective manner, including  
19 materials and instruction that are inclusive of race,  
20 ethnicity, language, cultural background, immigration status,  
21 religion, disability, gender, gender identity, gender  
22 expression, sexual orientation, and sexual behavior.

23 "Evidence-based program" means a program for which  
24 systematic, empirical research or evaluation has provided  
25 evidence of effectiveness.

26 "Evidence-informed program" means a program that uses the

1 best available research and practice knowledge to guide  
2 program design and implementation.

3 "Gender stereotype" means a generalized view or  
4 preconception about what attributes, characteristics, or roles  
5 are or ought to be taught, possessed by, or performed by people  
6 based on their gender identity.

7 "Healthy relationships" means relationships between  
8 individuals that consist of mutual respect, trust, honesty,  
9 support, fairness, equity, separate identities, physical and  
10 emotional safety, and good communication.

11 "Identity" means people's understanding of how they  
12 identify their sexual orientation, gender, gender identity, or  
13 gender expression without stereotypes, shame, or stigma.

14 "Inclusive" means inclusion of marginalized communities  
15 that include, but are not limited to, people of color,  
16 immigrants, people of diverse sexual orientations, gender  
17 identities, and gender expressions, people who are intersex,  
18 people with disabilities, people who have experienced  
19 interpersonal or sexual violence, and others.

20 "Interpersonal violence" means violent behavior used to  
21 establish power and control over another person.

22 "Medically accurate" means verified or supported by the  
23 weight of research conducted in compliance with accepted  
24 scientific methods and published in peer-reviewed journals, if  
25 applicable, or comprising information recognized as accurate  
26 and objective.



1 "Pre-exposure Prophylaxis (PrEP)" means medications  
2 approved by the federal Food and Drug Administration (FDA) and  
3 recommended by the United States Public Health Service or the  
4 federal Centers for Disease Control and Prevention for HIV  
5 pre-exposure prophylaxis and related pre-exposure prophylaxis  
6 services, including, but not limited to, HIV and sexually  
7 transmitted infection screening, treatment for sexually  
8 transmitted infections, medical monitoring, laboratory  
9 services, and sexual health counseling, to reduce the  
10 likelihood of HIV infection for individuals who are not living  
11 with HIV but are vulnerable to HIV exposure.

12 "Post-exposure Prophylaxis (PeP)" means the medications  
13 that are recommended by the federal Centers for Disease  
14 Control and Prevention and other public health authorities to  
15 help prevent HIV infection after potential occupational or  
16 non-occupational HIV exposure.

17 "Sexual violence" means discrimination, bullying,  
18 harassment, including sexual harassment, sexual abuse, sexual  
19 assault, intimate partner violence, incest, rape, and human  
20 trafficking.

21 "Trauma informed" means to address vital information about  
22 sexuality and well-being that takes into consideration how  
23 adverse life experiences may potentially influence a person's  
24 well-being and decision making.

25 (b) All classes that teach comprehensive personal health  
26 and safety and comprehensive sexual health education shall

1 satisfy the following criteria:

2 (1) Course material and instruction shall be age and  
3 developmentally appropriate, medically accurate,  
4 complete, culturally appropriate, inclusive, and trauma  
5 informed.

6 (2) Course material and instruction shall replicate  
7 evidence-based or evidence-informed programs or  
8 substantially incorporate elements of evidence-based  
9 programs or evidence-informed programs or characteristics  
10 of effective programs.

11 (3) Course material and instruction shall be inclusive  
12 and sensitive to the needs of students based on their  
13 status as pregnant or parenting, living with STIs,  
14 including HIV, sexually active, asexual, or intersex or  
15 based on their gender, gender identity, gender expression,  
16 sexual orientation, sexual behavior, or disability.

17 (4) Course material and instruction shall be  
18 accessible to students with disabilities, which may  
19 include the use of a modified curriculum, materials,  
20 instruction in alternative formats, assistive technology,  
21 and auxiliary aids.

22 (5) Course material and instruction shall help  
23 students develop self-advocacy skills for effective  
24 communication with parents or guardians, health and social  
25 service professionals, other trusted adults, and peers  
26 about sexual health and relationships.

1           (6) Course material and instruction shall provide  
2 information to help students develop skills for developing  
3 healthy relationships and preventing and dealing with  
4 interpersonal violence and sexual violence.

5           (7) Course material and instruction shall provide  
6 information to help students safely use the Internet,  
7 including social media, dating or relationship websites or  
8 applications, and texting.

9           (8) Course material and instruction shall provide  
10 information about local resources where students can  
11 obtain additional information and confidential services  
12 related to parenting, bullying, interpersonal violence,  
13 sexual violence, suicide prevention, sexual and  
14 reproductive health, mental health, substance abuse,  
15 sexual orientation, gender identity, gender expression,  
16 and other related issues.

17           (9) Course material and instruction shall include  
18 information about State laws related to minor  
19 confidentiality and minor consent, including exceptions,  
20 consent education, mandated reporting of child abuse and  
21 neglect, the safe relinquishment of a newborn child,  
22 minors' access to confidential health care and related  
23 services, school policies addressing the prevention of and  
24 response to interpersonal and sexual violence, school  
25 breastfeeding accommodations, and school policies  
26 addressing the prevention of and response to sexual

1 harassment.

2 (10) Course material and instruction may not reflect  
3 or promote bias against any person on the basis of the  
4 person's race, ethnicity, language, cultural background,  
5 citizenship, religion, HIV status, family structure,  
6 disability, gender, gender identity, gender expression,  
7 sexual orientation, or sexual behavior.

8 (11) Course material and instruction may not employ  
9 gender stereotypes.

10 (12) Course material and instruction shall be  
11 inclusive of and may not be insensitive or unresponsive to  
12 the needs of survivors of interpersonal violence and  
13 sexual violence.

14 (13) Course material and instruction may not  
15 proselytize any religious doctrine.

16 (14) Course material and instruction may not  
17 deliberately withhold health-promoting or life-saving  
18 information about culturally appropriate health care and  
19 services, including reproductive health services, hormone  
20 therapy, and FDA-approved treatments and options,  
21 including, but not limited to, Pre-exposure Prophylaxis  
22 (PrEP) and Post-exposure Prophylaxis (PeP).

23 (15) Course material and instruction may not be  
24 inconsistent with the ethical imperatives of medicine and  
25 public health.

26 (c) A school may utilize guest lecturers or resource

1 persons to provide instruction or presentations in accordance  
2 with Section 10-22.34b. Comprehensive personal health and  
3 safety and comprehensive sexual health education instruction  
4 and materials provided by guest lecturers or resource persons  
5 may not conflict with the provisions of this Section.

6 (d) No student shall be required to take or participate in  
7 any class or course in comprehensive personal health and  
8 safety and comprehensive sexual health education. A student's  
9 parent or guardian may opt the student out of comprehensive  
10 personal health and safety and comprehensive sexual health  
11 education by submitting the request in writing. Refusal to  
12 take or participate in such a course or program may not be a  
13 reason for disciplinary action, academic penalty, suspension,  
14 or expulsion or any other sanction of a student. A school  
15 district may not require active parental consent for  
16 comprehensive personal health and safety and comprehensive  
17 sexual health education.

18 (e) An opportunity shall be afforded to individuals,  
19 including parents or guardians, to review the scope and  
20 sequence of instructional materials to be used in a class or  
21 course under this Section, either electronically or in person.  
22 A school district shall annually post, on its Internet website  
23 if one exists, which curriculum is used to provide  
24 comprehensive personal health and safety and comprehensive  
25 sexual health education and the name and contact information,  
26 including an email address, of school personnel who can

1 respond to inquiries about instruction and materials.

2 (f) On or before August 1, 2022, the State Board of  
3 Education, in consultation with youth, parents, sexual health  
4 and violence prevention experts, health care providers,  
5 advocates, and education practitioners, including, but not  
6 limited to, administrators, regional superintendents of  
7 schools, teachers, and school support personnel, shall develop  
8 and adopt rigorous learning standards in the area of  
9 comprehensive personal health and safety education for pupils  
10 in kindergarten through the 5th grade and comprehensive sexual  
11 health education for pupils in the 6th through 12th grades,  
12 including, but not limited to, all of the National Sex  
13 Education Standards, including information on consent and  
14 healthy relationships, anatomy and physiology, puberty and  
15 adolescent sexual development, gender identity and expression,  
16 sexual orientation and identity, sexual health, and  
17 interpersonal violence, as authored by the Future of Sex  
18 Education Initiative. As the National Sex Education Standards  
19 are updated, the State Board of Education shall update these  
20 learning standards.

21 (g) By no later than August 1, 2022, the State Board of  
22 Education shall make available resource materials developed in  
23 consultation with stakeholders, with the cooperation and input  
24 of experts that provide and entities that promote age and  
25 developmentally appropriate, medically accurate, complete,  
26 culturally appropriate, inclusive, and trauma-informed

1 comprehensive personal health and safety and comprehensive  
2 sexual health education policy. Materials may include, without  
3 limitation, model comprehensive personal health and safety and  
4 comprehensive sexual health education resources and programs.  
5 The State Board of Education shall make these resource  
6 materials available on its Internet website, in a clearly  
7 identified and easily accessible place.

8 (h) Schools may choose and adapt the age and  
9 developmentally appropriate, medically accurate, complete,  
10 culturally appropriate, inclusive, and trauma-informed  
11 comprehensive personal health and safety and comprehensive  
12 sexual health education curriculum that meets the specific  
13 needs of their community. All instruction and materials,  
14 including materials provided or presented by outside  
15 consultants, community groups, or organizations, may not  
16 conflict with the provisions of this Section.

17 (i) The State Board of Education shall, through existing  
18 reporting mechanisms if available, direct each school district  
19 to identify the following:

20 (1) if instruction on comprehensive personal health  
21 and safety and comprehensive sexual health education is  
22 provided;

23 (2) whether the instruction was provided by a teacher  
24 in the school, a consultant, or a community group or  
25 organization and specify the name of the outside  
26 consultant, community group, or organization;

- 1           (3) the number of students receiving instruction;  
2           (4) the number of students excused from instruction;  
3           and  
4           (5) the duration of instruction.

5           The State Board of Education shall report the results of  
6           this inquiry to the General Assembly annually, for a period of  
7           5 years beginning one year after the effective date of this  
8           amendatory Act of the 102nd General Assembly.

9           (105 ILCS 5/27-9.1b new)

10          Sec. 27-9.1b. Consent education.

11          (a) In this Section:

12          "Age and developmentally appropriate" has the meaning  
13          ascribed to that term in Section 27-9.1a.

14          "Consent" has the meaning ascribed to that term in Section  
15          27-9.1a.

16          (b) A school district may provide age and developmentally  
17          appropriate consent education in kindergarten through the 12th  
18          grade.

19          (1) In kindergarten through the 5th grade, instruction  
20          and materials shall include age and developmentally  
21          appropriate instruction on consent and how to give and  
22          receive consent, including a discussion that includes, but  
23          is not limited to, all of the following:

24                  (A) Setting appropriate physical boundaries with  
25                  others.



1 (B) Respecting the physical boundaries of others.

2 (C) The right to refuse to engage in behaviors or  
3 activities that are uncomfortable or unsafe.

4 (D) Dealing with unwanted physical contact.

5 (E) Helping a peer deal with unwanted physical  
6 contact.

7 (2) In the 6th through 12th grades, instruction and  
8 materials shall include age and developmentally  
9 appropriate instruction on consent and how to give and  
10 receive consent, including a discussion that includes, but  
11 is not limited to, all of the following:

12 (A) That consent is a freely given agreement to  
13 sexual activity.

14 (B) That consent to one particular sexual activity  
15 does not constitute consent to other types of sexual  
16 activities.

17 (C) That a person's lack of verbal or physical  
18 resistance or submission resulting from the use or  
19 threat of force does not constitute consent.

20 (D) That a person's manner of dress does not  
21 constitute consent.

22 (E) That a person's consent to past sexual  
23 activity does not constitute consent to future sexual  
24 activity.

25 (F) That a person's consent to engage in sexual  
26 activity with one person does not constitute consent

1 to engage in sexual activity with another person.

2 (G) That a person can withdraw consent at any  
3 time.

4 (H) That a person cannot consent to sexual  
5 activity if that person is unable to understand the  
6 nature of the activity or give knowing consent due to  
7 certain circumstances that include, but are not  
8 limited to:

9 (i) the person is incapacitated due to the use  
10 or influence of alcohol or drugs;

11 (ii) the person is asleep or unconscious;

12 (iii) the person is a minor; or

13 (iv) the person is incapacitated due to a  
14 mental disability.

15 (I) The legal age of consent in this State.

16 (105 ILCS 5/27A-5)

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

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

23 (b) A charter school may be established under this Article  
24 by creating a new school or by converting an existing public  
25 school or attendance center to charter school status.

1 Beginning on April 16, 2003 (the effective date of Public Act  
2 93-3), in all new applications to establish a charter school  
3 in a city having a population exceeding 500,000, operation of  
4 the charter school shall be limited to one campus. The changes  
5 made to this Section by Public Act 93-3 do not apply to charter  
6 schools existing or approved on or before April 16, 2003 (the  
7 effective date of Public Act 93-3).

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

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

22 (c) A charter school shall be administered and governed by  
23 its board of directors or other governing body in the manner  
24 provided in its charter. The governing body of a charter  
25 school shall be subject to the Freedom of Information Act and  
26 the Open Meetings Act. No later than January 1, 2021 (one year

1 after the effective date of Public Act 101-291), a charter  
2 school's board of directors or other governing body must  
3 include at least one parent or guardian of a pupil currently  
4 enrolled in the charter school who may be selected through the  
5 charter school or a charter network election, appointment by  
6 the charter school's board of directors or other governing  
7 body, or by the charter school's Parent Teacher Organization  
8 or its equivalent.

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

1 the State Board of Education.

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

14 A charter school shall comply with all non-curricular  
15 health and safety requirements applicable to public schools  
16 under the laws of the State of Illinois. On or before September  
17 1, 2015, the State Board shall promulgate and post on its  
18 Internet website a list of non-curricular health and safety  
19 requirements that a charter school must meet. The list shall  
20 be updated annually no later than September 1. Any charter  
21 contract between a charter school and its authorizer must  
22 contain a provision that requires the charter school to follow  
23 the list of all non-curricular health and safety requirements  
24 promulgated by the State Board and any non-curricular health  
25 and safety requirements added by the State Board to such list  
26 during the term of the charter. Nothing in this subsection (d)

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

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

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

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

11 (19) Section 27-9.1a of this Code;

12 (20) Section 27-9.1b of this Code; and

13 (21) Section 34-18.8 of this Code.

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

16 (h) A charter school may negotiate and contract with a  
17 school district, the governing body of a State college or  
18 university or public community college, or any other public or  
19 for-profit or nonprofit private entity for: (i) the use of a  
20 school building and grounds or any other real property or  
21 facilities that the charter school desires to use or convert  
22 for use as a charter school site, (ii) the operation and  
23 maintenance thereof, and (iii) the provision of any service,  
24 activity, or undertaking that the charter school is required  
25 to perform in order to carry out the terms of its charter.  
26 However, a charter school that is established on or after



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

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

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

1 (k) If the charter school is approved by the State Board or  
2 Commission, then the charter school is its own local education  
3 agency.

4 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;  
5 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.  
6 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,  
7 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;  
8 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.  
9 3-8-21.)

10 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

11 Sec. 34-18.8. HIV ~~AIDS~~ training. School guidance  
12 counselors, nurses, teachers, school social workers, and other  
13 school personnel who work with students shall ~~pupils may~~ be  
14 trained to have a basic knowledge of matters relating to human  
15 immunodeficiency virus (HIV) ~~acquired immunodeficiency~~  
16 ~~syndrome (AIDS)~~, including the nature of the infection  
17 ~~disease~~, its causes and effects, the means of detecting it and  
18 preventing its transmission, the availability of appropriate  
19 sources of counseling and referral, and any other medically  
20 accurate information that is age and developmentally  
21 appropriate for ~~may be appropriate considering the age and~~  
22 ~~grade level of~~ such students ~~pupils~~. The Board of Education  
23 shall supervise such training. The State Board of Education  
24 and the Department of Public Health shall jointly develop  
25 standards for such training.

1 (Source: P.A. 86-900.)

2 (105 ILCS 5/27-9.1 rep.)

3 (105 ILCS 5/27-9.2 rep.)

4 (105 ILCS 5/27-11 rep.)

5 Section 10. The School Code is amended by repealing  
6 Sections 27-9.1, 27-9.2, and 27-11.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.