



Rep. Sonya M. Harper

Filed: 4/15/2026

10400HB5507ham002

LRB104 17456 LNS 36734 a

1 AMENDMENT TO HOUSE BILL 5507

2 AMENDMENT NO. _____. Amend House Bill 5507 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Food
5 Reform to Ensure Student Health Act.

6 Section 5. Purpose. The purpose of this Act is to
7 facilitate and support the creation of health-promoting eating
8 environments in this State.

9 Section 10. Definitions. As used in this Act:

10 "Category of food" means the following groups of food:

- 11 (1) fruits;
- 12 (2) vegetables;
- 13 (3) grains;
- 14 (4) cereals;
- 15 (5) beans, peas, and lentils;

- 1 (6) nuts, seeds, and soy products;
- 2 (7) beverages;
- 3 (8) dairy;
- 4 (9) seafood;
- 5 (10) poultry;
- 6 (11) meat;
- 7 (12) eggs;
- 8 (13) condiments;
- 9 (14) fats and oils; and
- 10 (15) herbs and spices.

11 "Category of food" includes any groups of food enumerated in
12 this definition that the State Board expands, clarifies, or
13 subdivides by rule.

14 "FDA" means the United States Food and Drug
15 Administration.

16 "Food" means all food and beverages intended for sale or
17 to be served to school pupils on campus during the school day.

18 "Food" does not include meals reimbursed under the federal
19 Richard B. Russell National School Lunch Act or the federal
20 Child Nutrition Act of 1966, except to the extent permitted
21 under federal law.

22 "Food product" means the finished product of a food or
23 beverage with a unique universal product code, other than a
24 food product reimbursed under a program authorized by the
25 federal Richard B. Russell National School Lunch Act or the
26 federal Child Nutrition Act of 1966 or food provided by the

1 United States Department of Agriculture Foods in Schools
2 program. "Food product" does not include meals reimbursed
3 under the federal Richard B. Russell National School Lunch Act
4 or the federal Child Nutrition Act of 1966, except to the
5 extent permitted under federal law.

6 "Health-promoting eating environment" means there are
7 healthy, good-quality, culturally appropriate, and affordable
8 options in a place where food and beverages are served or sold.

9 "High amounts of saturated fat, sodium, or added sugar"
10 means that:

11 (1) the food or beverage contains 10% or greater of
12 total energy from saturated fat, excluding whole or
13 minimally processed food or if evaluated in the context of
14 overall nutrient density, as defined by the federal
15 2025-2030 Dietary Guidelines for Americans;

16 (2) the food or beverage contains a ratio of
17 milligrams of sodium to calories that is equal to or
18 greater than 1:1; or

19 (3) the food or beverage contains 10% or greater of
20 total energy from added sugars.

21 "Nonnutritive sweetener or other substance" means:

22 (1) nonnutritive sweeteners, as defined in 21 CFR
23 170.3(o) (19); or

24 (2) any of the following substances:

25 (A) D-sorbitol (CAS 50-70-4);

26 (B) erythritol (CAS 149-32-6);

1 (C) hydrogenated starch hydrolysates, including,
2 but not limited to, CAS 68425-17-2;

3 (D) sucralose (CAS 56038-13-2);

4 (E) isomalt, including, but not limited to, CAS
5 64519-82-0, CAS 534-73-6, and CAS 20942-99-8;

6 (F) lactitol (CAS 585-86-4);

7 (G) Luo Han Fruit Concentrate (CAS 977188-77-4);

8 (H) maltitol (CAS 585-88-6);

9 (I) steviol glycosides, including, but not limited
10 to, CAS 58543-16-1, CAS 57817-89-7, CAS 1220616-44-3,
11 and CAS 1220616-34-1;

12 (J) thaumatin, including, but not limited to, CAS
13 53850-34-3; or

14 (K) xylitol (CAS 87-99-0).

15 "Public entity" means the State, a State agency, a unit of
16 local government, or a school district.

17 "Restricted school food" means a food or beverage product
18 that:

19 (1) contains substances available in the United States
20 Food and Drug Administration's Substances Added to Food
21 inventory database, except for salt or sodium chloride,
22 spices or other natural seasonings or flavorings listed in
23 21 CFR 182.10, and natural color additives listed in 21
24 CFR 73, that are designated as having any of the following
25 FDA-defined technical effects:

26 (A) surface-active agents, as defined in 21 CFR

1 170.3(o) (29);

2 (B) stabilizers and thickeners, as defined in 21
3 CFR 170.3(o) (28);

4 (C) propellants, aerating agents, and gases, as
5 defined in 21 CFR 170.3(o) (25), unless they are used
6 solely for packaging, preservation, or food safety
7 purposes and not as functional ingredients affecting
8 palatability or formulation;

9 (D) colors and coloring adjuncts, as defined in 21
10 CFR 170.3(o) (4);

11 (E) emulsifiers and emulsifier salts, as defined
12 in 21 CFR 170.3(o) (8);

13 (F) flavoring agents and adjuvants, as defined in
14 21 CFR 170.3(o) (12), excluding spices and other
15 natural seasonings and flavorings listed in 21 CFR
16 182.10;

17 (G) flavor enhancers, as defined in 21 CFR
18 170.3(o) (11), excluding spices and other natural
19 seasonings and flavorings listed in 21 CFR 182.10; or

20 (H) nonnutritive sweeteners, as defined in 21 CFR
21 170.3(o) (19); and

22 (2) is restricted from service or sale in schools by
23 rules adopted by the State Board under Section 15.

24 "Restricted school food" does not include any of the
25 following:

26 (1) commodity food specifically made available by the

1 United States Department of Agriculture;

2 (2) a raw agricultural commodity;

3 (3) an unprocessed locally grown or locally raised
4 agricultural product, as defined in 7 CFR 210.21(g) (2);

5 (4) minimally processed prepared food, as defined by
6 the State Board by rule, which may include food in a
7 variety of forms, including, but not limited to, whole,
8 cut, sliced, diced, canned, pureed, dried, and
9 pasteurized;

10 (5) Class I milk, as determined by Federal Milk
11 Marketing Orders;

12 (6) alcoholic beverages;

13 (7) medical food, as defined in 21 CFR 101.9(j)(8),
14 only if exempted by the State Board by rule; and

15 (8) infant formula, as defined in 21 CFR 107, only if
16 exempted by the State Board by rule.

17 "School" means an elementary or secondary school or any
18 public entity, including any contractor, vendor, or food
19 service management company acting on behalf of such entity,
20 that purchases or provides food or food products to pupils on
21 campus during the school day.

22 "School day" means that period of time during which a
23 pupil is required to be in attendance for instructional
24 purposes.

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

26 "Ultraprocessed food" means any food or beverage that

1 contains:

2 (1) substances available in the United States Food and
3 Drug Administration's Substances Added to Food inventory
4 database, except for salt or sodium chloride, spices or
5 other natural seasonings or flavorings listed in 21 CFR
6 182.10, and natural color additives listed in 21 CFR 73,
7 that are designated as having any of the following
8 FDA-defined technical effects:

9 (A) surface-active agents, as defined in 21 CFR
10 170.3(o) (29);

11 (B) stabilizers and thickeners, as defined in 21
12 CFR 170.3(o) (28);

13 (C) propellants, aerating agents, and gases, as
14 defined in 21 CFR 170.3(o) (25), unless they are used
15 solely for packaging, preservation, or food safety
16 purposes and not as functional ingredients affecting
17 palatability or formulation;

18 (D) colors and coloring adjuncts, as defined in 21
19 CFR 170.3(o) (4);

20 (E) emulsifiers and emulsifier salts, as defined
21 in 21 CFR 170.3(o) (8);

22 (F) flavoring agents and adjuvants, as defined in
23 21 CFR 170.3(o) (12), excluding spices and other
24 natural seasonings and flavorings, as listed in 21 CFR
25 182.10;

26 (G) flavor enhancers, as defined in 21 CFR

1 170.3(o)(11), excluding spices and other natural
2 seasonings and flavorings, as listed in 21 CFR 182.10;
3 or

4 (H) nonnutritive sweeteners, as defined in 21 CFR
5 170.3(o)(19); and

6 (2) either high amounts of saturated fat, sodium, or
7 added sugar or a nonnutritive sweetener or other
8 substance.

9 "Ultraprocessed food" does not include any of the following:

10 (1) whole or minimally processed food provided through
11 the United States Department of Agriculture Foods in
12 Schools Program, including fresh produce and raw
13 agricultural commodities and except for processed or
14 manufactured food products, unless otherwise determined by
15 the State Board by rule;

16 (2) a raw agricultural commodity;

17 (3) an unprocessed locally grown or locally raised
18 agricultural product, as defined in 7 CFR 210.21(g)(2);

19 (4) minimally processed prepared food, as defined by
20 the State Board by rule, which may include food in a
21 variety of forms, including, but not limited to, whole,
22 cut, sliced, diced, canned, pureed, dried, and
23 pasteurized;

24 (5) Class I milk, as determined by Federal Milk
25 Marketing Orders;

26 (6) alcoholic beverages;

1 (7) medical food, as defined in 21 CFR 101.9(j)(8),
2 only if exempted by the State Board by rule; and

3 (8) infant formula, as defined in 21 CFR 107, only if
4 exempted by the State Board by rule.

5 "Ultraprocessed food of concern" means a food or food
6 product that is an ultraprocessed food and that is of concern
7 under rules adopted by the State Board under Section 15.

8 Section 15. Rules.

9 (a) On or before June 1, 2028, the State Board, in
10 consultation with the Department of Public Health and, if
11 appropriate, the Department of Agriculture, shall adopt rules
12 to implement and administer this Act. These rules shall
13 include, but not be limited to, rules to define
14 "ultraprocessed food of concern" and "restricted school food"
15 that consider all of the following factors:

16 (1) whether the substance or group of substances are
17 banned or restricted in other state, federal, or
18 international jurisdictions due to concerns about adverse
19 health consequences;

20 (2) whether the products include or require a warning
21 label in other state, federal, or international
22 jurisdictions due to concerns about adverse health
23 consequences;

24 (3) whether, based on reputable, peer-reviewed
25 scientific evidence, a substance or group of substances

1 are linked to health harms or adverse health consequences,
2 including, but not limited to, any of the following:

3 (A) cancer;

4 (B) cardiovascular disease;

5 (C) metabolic disease;

6 (D) developmental or behavioral issues;

7 (E) reproductive harm;

8 (F) obesity;

9 (G) type 2 diabetes; and

10 (H) other health harms associated with
11 ultraprocessed food consumption;

12 (4) whether, based on reputable, peer-reviewed
13 scientific evidence, a substance or group of substances
14 may be hyperpalatable or may contribute to food addiction;

15 (5) whether the food has been modified to be high in
16 saturated fat, added sugar, or salt;

17 (6) whether the food meets the requirements of the
18 United States Food and Drug Administration's final rule
19 issued on December 27, 2024, titled "Food Labeling:
20 Nutrient Content Claims; Definition of Term 'Healthy'" (89
21 FR 106064, codified at 21 CFR 101.65), that defines
22 nutrient contents that are deemed to be a part of a
23 nutritious diet;

24 (7) whether the substance is a common natural
25 additive; and

26 (8) the overall nutritional profile and context, not

1 solely the presence of individual ingredients or
2 additives.

3 A food may not be designated as a restricted school food or
4 ultraprocessed food of concern solely due to the presence of a
5 single additive without consideration of the totality of
6 evidence, including the nutritional profile, the role and
7 function of the ingredients within the product, and
8 demonstrated health impacts based on peer-reviewed scientific
9 evidence.

10 (b) In the adoption of the rules defining "ultraprocessed
11 food of concern" and "restricted school food" under subsection
12 (a), the State Board shall be guided by a rigorous examination
13 of available and reputable, peer-reviewed scientific evidence
14 and shall consider all of the following:

15 (1) the total number of jurisdictions where the
16 substance or product is banned, restricted, or requires a
17 warning label;

18 (2) the basis for any determination by another
19 jurisdiction to ban, restrict, or require a warning label
20 for any substance or product;

21 (3) the quality, caliber, and scope of any scientific
22 evidence for any determination, including a rigorous
23 examination of whether the evidence is the product of
24 scientific research conducted according to internationally
25 recognized best practices for scientific research; and

26 (4) any reputable, peer-reviewed scientific evidence

1 that would call into question any determination that a
2 substance is linked to health harms or adverse health
3 consequences.

4 (c) The State Board shall review its rules and, as needed,
5 update the definitions of "ultraprocessed food of concern" and
6 "restricted school food" every 5 years to accommodate any
7 relevant advances in scientific knowledge, the development of
8 better agricultural or manufacturing practices, or other
9 changes that require revision of either or both of the
10 definitions. If an update to either or both of those
11 definitions would add a food product to the list of
12 "ultraprocessed food of concern" or "restricted school food",
13 the State Board shall delay the operation of the revised
14 definition by 3 years to give impacted entities time to comply
15 with the new definition's impact on the requirements of this
16 Act.

17 (d) The State Board shall adopt and revise rules under
18 this Section in consultation with appropriate State agencies
19 and universities, as well as school food authorities, school
20 nutrition program directors, and school nutrition program
21 managers, as defined in 7 CFR 210.2, after providing an
22 opportunity for all interested parties to comment.

23 (e) The State Board may seek information from academia,
24 other states, the federal government, and other nations to
25 inform implementation of this Section.

26 (f) In adopting rules under this Section, the State Board

1 shall ensure consistency with federal laws and rules governing
2 school nutrition programs, including any updates to the
3 federal 2025-2030 Dietary Guidelines for Americans.

4 (g) The Department of Public Health shall serve as the
5 lead scientific and public health authority in the development
6 of rules under this Act.

7 (h) The State Board is not responsible for making
8 independent scientific determinations under this Act regarding
9 food safety, chemical risk, or health impacts and shall rely
10 on and give substantial weight to the scientific and public
11 health expertise of the Department of Public Health and other
12 relevant agencies.

13 (i) In adopting rules under this Act, the State Board and
14 the Department of Public Health shall consider the economic
15 and operational impact on school districts, suppliers, and the
16 food supply chain, including the impact on cost and
17 availability and implementation feasibility, while
18 prioritizing this Act's objective of improving student health
19 outcomes.

20 Section 17. Scientific and Technical Advisory Task Force.

21 (a) The State Board and Department of Public Health shall
22 jointly establish a Scientific and Technical Advisory Task
23 Force. The Task Force shall review scientific and technical
24 evidence regarding food and food products, provide
25 recommendations to inform the rulemaking requirements under

1 Section 15, and ensure a reliance on peer-reviewed scientific
2 research in the development of rules under Section 15.

3 (b) The Task Force shall consist of members who are
4 experts in nutrition, public health, food science, and
5 pediatric health and members who represent the State Board and
6 Department of Public Health. The Task Force may include
7 stakeholder representation from the agriculture and food
8 industry in an advisory, nonvoting capacity. Members shall
9 serve for fixed terms as determined by the State Board and
10 Department of Public Health. Members shall disclose any
11 potential conflicts of interest.

12 (c) The Task Force shall serve only in an advisory
13 capacity and does not have rulemaking authority.

14 Section 20. Phasing out restricted school food and
15 ultraprocessed food of concern.

16 (a) No later than July 1, 2029, all schools shall begin to
17 phase out restricted school food and ultraprocessed food of
18 concern.

19 (b) Beginning July 1, 2032, a vendor, contractor, or food
20 service management company may not offer restricted school
21 food or ultraprocessed food of concern to a school.

22 (c) The failure of a school, school district, regional
23 office of education, charter school, vendor, contractor, or
24 food service management company to comply with this Section
25 does not create a private right of action.

1 (d) Implementation of this Section with respect to
2 reimbursable meals shall be carried out in a manner consistent
3 with federal laws and rules governing child nutrition
4 programs.

5 Section 25. Vendors; report requirements.

6 (a) On or before February 1, 2028 and on or before February
7 1 of each year thereafter through February 1, 2032, any vendor
8 of food or food products for a school shall report the
9 following information to the State Board for each food product
10 sold to schools in the past calendar year, to the extent it is
11 known to the vendor:

12 (1) the total quantity of that food product sold to
13 schools;

14 (2) the name of the food product;

15 (3) whether the food product is an ultraprocessed
16 food;

17 (4) whether the food product is a restricted school
18 food or an ultraprocessed food of concern;

19 (5) the category or categories of food to which the
20 food product belongs;

21 (6) the average total calories in each food product
22 sold to schools that year;

23 (7) the ingredient list for the food product; and

24 (8) the Nutrition Facts for the food product.

25 (b) The requirements of subsection (a) do not apply to:

1 (1) a cottage food operation, as defined in Section 4
2 of the Food Handling Regulation Enforcement Act;

3 (2) a home kitchen operation, as defined in Section
4 3.6 of the Food Handling Regulation Enforcement Act; or

5 (3) a small business, as defined in Section 1-75 of
6 the Illinois Administrative Procedure Act.

7 (c) Nothing in this Act requires a vendor of food or food
8 products to publicly disclose trade secrets or proprietary
9 formulations, as long as this does not limit the required
10 reporting of ingredients lists, nutritional information, and
11 product identification.

12 (d) The failure of a vendor to comply with this Section
13 does not create a private right of action.

14 (e) This Section is inoperative beginning on July 1, 2033.
15 This Section is repealed on January 1, 2034.

16 Section 30. Annual report.

17 (a) On or before July 1, 2028 and on or before July 1 of
18 each year thereafter through July 1, 2032, the State Board, in
19 consultation with the Department of Public Health and using
20 information reported under Section 25, shall submit to the
21 General Assembly and the Governor a written report containing
22 all of the following information:

23 (1) a summary and analysis of information reported
24 under Section 25 for the prior year;

25 (2) a summary and analysis of the progress of the

1 restricted school food and ultraprocessed food of concern
2 phaseout required by this Act;

3 (3) estimates of the amount of food that is not an
4 ultraprocessed food item and is sold or served to pupils
5 on campus during the school day in elementary or secondary
6 schools;

7 (4) estimates of the portion of the average elementary
8 or secondary school food intake, in calories, that is
9 composed of ultraprocessed food;

10 (5) a strategy for reducing the consumption of
11 ultraprocessed food, restricted school food, and
12 ultraprocessed food of concern in schools;

13 (6) analysis of the feasibility of reducing the sale
14 or service of ultraprocessed food, restricted school food,
15 and ultraprocessed food of concern in schools;

16 (7) any actions the State Board or the Department of
17 Public Health plans to take regarding restricted school
18 food and ultraprocessed food of concern; and

19 (8) recommendations for State and local legislative
20 actions that could reduce the consumption of restricted
21 school food and ultraprocessed food of concern in schools.

22 (b) The State Board shall make the report prepared under
23 subsection (a) publicly available on its Internet website.

24 (c) This Section is inoperative beginning on August 1,
25 2033. This Section is repealed on January 1, 2034.

1 Section 35. More stringent restrictions permitted. This
2 Act does not limit or deny the powers of a public entity,
3 including a home rule unit, to adopt more stringent
4 restrictions on ultraprocessed foods, restricted school foods,
5 or ultraprocessed foods of concern.

6 Section 40. Compliance training and technical assistance.

7 (a) For purposes of this Act, the State Board shall
8 consult with the Department of Public Health regarding
9 compliance training and technical assistance for school food
10 service and procurement staff and for purposes of nutrition
11 and public health expertise.

12 (b) The State Board shall establish a structure to deliver
13 training and technical assistance to school districts,
14 regional offices of education, and charter schools.

15 (c) The State Board may contract with providers with
16 expertise in nutrition, school-community collaboration of
17 service delivery and financing, and coordination and
18 integration of support services to deliver training and
19 technical assistance to implement this Act.

20 (d) The topics for the training provided under this
21 Section shall be identified by the State Board through a
22 periodic survey of school districts. The curriculum for the
23 training may be developed in consultation with representatives
24 from associations, consumer associations, and others, as
25 deemed appropriate by the State Board.

1 (e) State agencies shall provide ongoing technical
2 assistance, particularly to underresourced school districts.

3 Section 45. Implementation, compliance, and enforcement.

4 (a) The State Board and Department of Public Health shall
5 oversee implementation and compliance with this Act.

6 (b) The State Board and Department of Public Health shall
7 jointly develop and publish an implementation timeline as
8 follows:

9 (1) Before January 1, 2029, the State Board and
10 Department of Public Health shall develop guidance on best
11 practices on how schools, school districts, vendors,
12 contractors, and food service management companies subject
13 to this Act may comply and implement the requirements of
14 this Act. The State Board and Department of Public Health
15 shall provide technical assistance to school districts.

16 (2) From January 1, 2029 through December 31, 2031,
17 the State Board and Department of Public Health are
18 authorized to enforce the requirements of this Act upon
19 any school, school district, vendor, contractor, or food
20 service management company that is determined to not be in
21 compliance with this Act or the rules adopted under this
22 Act.

23 (3) Beginning on January 1, 2032, the State Board and
24 the Department of Public Health shall require full
25 compliance with and implementation of this Act by schools,

1 school districts, vendors, contractors, and food service
2 management companies.

3 (c) The State Board and Department of Public Health shall
4 adopt rules to establish appropriate administrative action
5 against schools, school districts, vendors, contractors, and
6 food service management companies that are not in compliance
7 with the timeline under subsection (b) and the measures
8 schools, school districts, vendors, contractors, and food
9 service management companies may take to cure noncompliance.

10 (d) A school or school district shall be deemed in
11 compliance with this Act if the school or school district
12 relies in good faith on a written certification from a vendor
13 that a food product meets applicable requirements, as long as
14 the school or school district has no actual knowledge of
15 noncompliance and maintains documentation of such
16 certification.

17 Section 50. Relation to federal requirements.

18 (a) Nothing in this Act prohibits the State from adopting
19 standards regarding food or food products that exceed federal
20 minimum requirements if not in conflict with federal law.

21 (b) Nothing in this Act may be construed to conflict with
22 federal reimbursement requirements.

23 Section 90. The School Code is amended by changing Section
24 27A-5 as follows:

1 (105 ILCS 5/27A-5)

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

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

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

16 (b-5) (Blank).

17 (c) A charter school shall be administered and governed by
18 its board of directors or other governing body in the manner
19 provided in its charter. The governing body of a charter
20 school shall be subject to the Freedom of Information Act and
21 the Open Meetings Act. A charter school's board of directors
22 or other governing body must include at least one parent or
23 guardian of a pupil currently enrolled in the charter school
24 who may be selected through the charter school or a charter
25 network election, appointment by the charter school's board of

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

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

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

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

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

25 (e) Except as otherwise provided in the School Code, a
26 charter school shall not charge tuition; provided that a

1 charter school may charge reasonable fees for textbooks,
2 instructional materials, and student activities.

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

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

1 however, a charter school is not exempt from the following:

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

7 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
8 and 34-84a of this Code regarding discipline of students;

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

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

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

15 (5.5) subsection (b) of Section 10-23.12 and
16 subsection (b) of Section 34-18.6 of this Code;

17 (6) the Illinois School Student Records Act;

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

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

21 (9) Section 22-110 of this Code regarding bullying
22 prevention;

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

25 (11) Sections 22-80 and 22-105 of this Code;

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

- 1 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 2 (14) Sections 22-90 and 26-18 of this Code;
- 3 (15) Section 22-30 of this Code;
- 4 (16) Sections 24-12 and 34-85 of this Code;
- 5 (17) the Seizure Smart School Act;
- 6 (18) Section 2-3.64a-10 of this Code;
- 7 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 8 (20) Section 10-22.25b of this Code;
- 9 (21) Section 27-1015 of this Code;
- 10 (22) Section 27-1010 of this Code;
- 11 (23) Section 34-18.8 of this Code;
- 12 (24) Article 26A of this Code;
- 13 (25) Section 2-3.188 of this Code;
- 14 (26) Section 22-85.5 of this Code;
- 15 (27) subsections (d-10), (d-15), and (d-20) of Section
16 10-20.56 of this Code;
- 17 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 18 (29) Section 10-20.13 of this Code;
- 19 (30) (blank);
- 20 (31) Section 34-21.6 of this Code;
- 21 (32) Section 22-85.10 of this Code;
- 22 (33) Section 2-3.196 of this Code;
- 23 (34) Section 22-95 of this Code;
- 24 (35) Section 34-18.62 of this Code;
- 25 (36) the Illinois Human Rights Act;
- 26 (37) Section 2-3.204 of this Code; ~~and~~

1 (38) Section 22-106 ~~22-105~~ of this Code; and.

2 (39) the Food Reform to Ensure Student Health Act.

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

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

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

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

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

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

12 (Source: P.A. 103-154, eff. 6-30-23; 103-175, eff. 6-30-23;
13 103-472, eff. 8-1-24; 103-605, eff. 7-1-24; 103-641, eff.
14 7-1-24; 103-806, eff. 1-1-25; 104-288, eff. 1-1-26; 104-391,
15 eff. 8-15-25; 104-417, eff. 8-15-25; revised 9-12-25.)".