



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1736

Introduced 2/17/2021, by Rep. Kathleen Willis, Jehan Gordon-Booth, Lamont J. Robinson, Jr., Lakesia Collins, Edgar Gonzalez, Jr., et al.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-23.13
105 ILCS 5/27-9.1a new
105 ILCS 5/27A-5
105 ILCS 5/34-18.8 from Ch. 122, par. 34-18.8
105 ILCS 5/27-9.1 rep.
105 ILCS 5/27-9.2 rep.
105 ILCS 5/27-11 rep.

Amends the School Code. Makes changes in the School Boards Article relating to policies addressing sexual abuse. In the Courses of Study Article, repeals the sex education, family life, and instruction on diseases provisions. Instead, sets forth comprehensive sex education requirements for course materials and instruction, requires the State Board of Education to post on its website comprehensive sex education resources for use in pre-kindergarten through the 12th grade, provides for school disclosure, parental requests, and notice, allows a school district to collaborate with a local public health department to identify and designate a qualified employee of the local public health department as the school district's point of contact for the purposes of responding to inquiries and comments about course instruction and materials, requires the State Board to develop, maintain, and make publicly available State standards, and provides for rulemaking. Makes changes in the Chicago School District Article concerning AIDS training. Effective immediately.

LRB102 14083 CMG 19435 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 10-23.13, 27A-5, and 34-18.8 and by adding Section 27-9.1a as
6 follows:

7 (105 ILCS 5/10-23.13)

8 Sec. 10-23.13. Policies addressing sexual abuse. Beginning
9 no later than July 1, 2022, a school district shall ~~to~~ adopt
10 and implement a policy addressing sexual abuse of children
11 that shall ~~may~~ include age-appropriate curriculum for students
12 in pre-K through 12th ~~5th~~ grade; training for school personnel
13 on child sexual abuse; educational information to parents or
14 guardians provided in the school handbook on the warning signs
15 of a child being abused, along with any needed assistance,
16 referral, or resource information; available counseling and
17 resources for students affected by sexual abuse; and emotional
18 and educational support for a child ~~of abuse~~ to continue to be
19 successful in school.

20 A ~~Any~~ policy adopted under this Section shall ~~may~~ address
21 without limitation:

22 (1) methods for increasing teacher, student, and
23 parent awareness of issues regarding sexual abuse of

1 children, including knowledge of likely warning signs
2 indicating that a child may be a victim of sexual abuse,
3 and the provision of information on how to prevent child
4 abuse from happening;

5 (1.5) training for school personnel, including, but
6 not limited to, training pursuant to Section 10-22.39;

7 (2) options ~~actions~~ that a student ~~child~~ who is a
8 victim of sexual abuse has ~~should take~~ to obtain
9 assistance and intervention; ~~and~~

10 (3) available counseling options for students affected
11 by sexual abuse; and.

12 (4) methods for educating school personnel, students,
13 and staff on how to report child abuse.

14 This Section may be referred to as Erin's Law.

15 (Source: P.A. 96-1524, eff. 2-14-11.)

16 (105 ILCS 5/27-9.1a new)

17 Sec. 27-9.1a. Responsible education for adolescent and
18 children's health (REACH).

19 (a) This Section may be referred to as the REACH Law.

20 (b) The General Assembly finds all of the following:

21 (1) Sex education can encourage better sexual health
22 outcomes, reduce stigmas, and prepare young people to lead
23 healthy and fulfilling lives.

24 (2) Students who receive sex education that includes
25 health-positive instruction on sexual orientation, gender

1 identity, and gender expression report less bullying and
2 harassment.

3 (3) Parents, the general public, and young people
4 overwhelmingly support comprehensive sex education.

5 (4) Polling has found that 96% of parents support
6 providing sex education in high school and 93% support sex
7 education in middle school.

8 (5) The leading health and education organizations
9 support sex education that includes information about both
10 delaying sexual activity and the effective use of
11 contraception.

12 (6) Students often lack the education and support
13 needed to prevent unwanted or mistimed pregnancy, HIV, and
14 other sexually transmitted infections, to develop healthy
15 relationships, to plan for personal safety, and to develop
16 decision-making skills.

17 (7) Schools have a responsibility to address child
18 abuse, harassment, bullying, inter-personal violence, and
19 personal safety issues, which can have a significant
20 impact on a student's emotional and physical well-being
21 and academic success.

22 It is the intent of the General Assembly that
23 comprehensive sex education shall promote awareness and
24 healthy attitudes about growth and development, body image,
25 gender identity, gender expression, sexuality, sexual health,
26 sexual orientation, consent, dating, relationships, and

1 families; should be designed to promote positive behaviors and
2 reduce health-related risk behaviors; and must be available to
3 students in kindergarten through 12th grade and provide
4 students with the information, skills, and support needed to
5 acquire accurate information to make healthy decisions
6 throughout their lives.

7 (c) In this Section:

8 "Abstinence" means to refrain from engaging in any sexual
9 behavior or from engaging in specific sexual behavior, such as
10 sexual intercourse, either continuously or periodically.

11 "Age and developmentally appropriate" means suitable for a
12 particular age or age group of children and adolescents, based
13 on the cognitive, emotional, and behavioral development
14 typical of that age or age group.

15 "Characteristics of effective programs" means the aspects
16 of evidence-based programs, including development, content,
17 and the implementation of programs that have been shown to be
18 effective in increasing knowledge, clarifying values and
19 attitudes, increasing skills, and impacting behavior and are
20 widely recognized by leading medical and public health
21 agencies to be effective in changing sexual behaviors that
22 lead to sexually transmitted infections, including HIV,
23 unwanted or mistimed pregnancy, dating violence, and sexual
24 violence among young people.

25 "Comprehensive sex education" means instruction in a
26 comprehensive school health education approach that addresses

1 the physical, mental, emotional, and social dimensions of
2 human sexuality and is designed to motivate and assist
3 students in maintaining and improving sexual health,
4 preventing infection, and reducing sexual health-related risk
5 behaviors and to enable and empower students to develop and
6 demonstrate developmentally and culturally appropriate
7 sexuality and sexual health-related knowledge, attitudes,
8 skills, and practices.

9 "Consent" means knowing, affirmative, conscious, and
10 voluntary agreement to engage in specific interpersonal,
11 physical, or sexual activity at a given time.

12 "Culturally appropriate" means materials and instruction
13 that are inclusive of the experiences and needs of communities
14 of color, communities of all ethnic and cultural backgrounds,
15 immigrant communities, people whose primary language is not
16 English, people of diverse sexual orientations, gender
17 identities, and gender expressions, people who are intersex,
18 people with disabilities, people who have experienced sexual
19 victimization, and people whose experiences have traditionally
20 been left out of sexual health education, programs, and
21 policies.

22 "Gender stereotype" means a generalized view or
23 preconception about what attributes, characteristics, or roles
24 are or ought to be taught, possessed by, or performed by people
25 based on their gender identity.

26 "Human trafficking" means the recruitment, harboring,

1 transportation, provision, obtaining, patronizing, or
2 soliciting of a person for the purpose of labor, involuntary
3 servitude, debt bondage, slavery, or a commercial sex act,
4 which is induced by force, fraud, or coercion or in which the
5 person induced has not attained 18 years of age.

6 "Inclusive" means a curriculum that ensures that students
7 from marginalized communities that include, but are not
8 limited to, communities of color, immigrant communities,
9 people of diverse sexual orientations, gender identities, and
10 gender expressions, people who are intersex, people with
11 disabilities, people who have experienced sexual
12 victimization, and others whose experiences have been
13 traditionally left out of sex education programs and policies
14 are included in classroom materials and lessons.

15 "Medically accurate and complete" means that the
16 information provided through instruction is verified or
17 supported by research conducted in compliance with accepted
18 scientific methods and is published in peer-reviewed journals
19 by the federal Centers for Disease Control and Prevention, the
20 American Public Health Association, the American Academy of
21 Pediatrics, and the American College of Obstetricians and
22 Gynecologists, if applicable, or a program contains
23 information that leading professional public health or medical
24 organizations, government agencies, and scientific advisory
25 groups with relevant expertise in the field recognize as
26 accurate, objective, and complete and the program does not

1 withhold information about external anatomy involved in sexual
2 functioning or in the effectiveness and benefits of correct
3 and consistent use of condoms and other contraceptives.

4 "Sexting" means the act of sending, sharing, receiving, or
5 forwarding a sexually explicit or sexually suggestive image,
6 video, or text message by a digital or electronic device,
7 including, but not limited to, a mobile or cellular telephone
8 or a computer.

9 "Sexual development" means the lifelong process of
10 physical, behavioral, cognitive, and emotional growth and
11 changes as it relates to an individual's sexuality and sexual
12 maturation. "Sexual development" includes puberty, identity
13 development, socio-cultural influences, and sexual behaviors.

14 "Sexual violence" means an act of a sexual nature that is
15 committed or attempted by another person without the freely
16 given consent of the victim or against someone who is unable to
17 consent or refuse. "Sexual violence" includes acts of sexual
18 harassment, sexual abuse, and sexual assault.

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

23 (d) Comprehensive sex education requirements for course
24 materials and instruction under this Section are as follows:

25 (1) Beginning no later than July 1, 2022,
26 comprehensive sex education shall do all of the following:

1 (A) Reflect the characteristics of effective
2 programs.

3 (B) Use and implement curricula that is trauma
4 informed.

5 (C) Use or adopt curricula, materials, and
6 instruction that are inclusive and address the
7 experiences and needs of all youth in the school.
8 Instruction must be accessible to students with
9 disabilities, and may include the use of a modified
10 curriculum, materials, instruction in alternative
11 formats, and auxiliary aids.

12 (D) Not discriminate on the basis of sex, race,
13 ethnicity, national origin, disability, religion,
14 gender expression, gender identity, or sexual
15 orientation.

16 (E) Allow instructors to answer questions
17 initiated by a student that are related to and
18 consistent with the material of the course.

19 (F) Create a safe, inclusive, and culturally
20 appropriate environment for all students to learn
21 about and discuss personal health and healthy
22 relationships.

23 (G) Comply with standards developed by the State
24 Board of Education.

25 (2) Beginning no later than July 1, 2022,
26 comprehensive sex education materials and instruction may

1 not:

2 (A) use shame-based or stigmatizing language or
3 instructional tools or stigmatize parenting or
4 sexually active youth;

5 (B) stigmatize or further victimize students
6 impacted by sexual violence;

7 (C) employ gender stereotypes;

8 (D) exclude the health needs of individuals who
9 are intersex or individuals of diverse sexual
10 orientations, gender identities, or gender
11 expressions; or

12 (E) impose or promote any religious doctrine.

13 (3) Beginning no later than July 1, 2022,
14 comprehensive sex education instruction and materials,
15 including materials provided or presented by outside
16 organizations, resource persons, or guest lecturers, may
17 not conflict with the provisions of this Section. All
18 guest lecturers and resource persons shall have expertise
19 in comprehensive sex education consistent with the
20 provisions of this Section.

21 (4) Beginning no later than July 1, 2022, a school
22 district shall provide inclusive, medically accurate and
23 complete, age and developmentally appropriate, and
24 culturally appropriate comprehensive sex education in the
25 6th through 12th grades in all public schools.
26 Comprehensive sex education in the 6th through 12th grades

1 shall include age and developmentally appropriate
2 instruction on all of the following topics:

3 (A) Human anatomy, reproduction, and sexual
4 development, including, but not limited to, the
5 following:

6 (i) physical, social, and emotional changes;

7 (ii) positive body image;

8 (iii) positive sexuality, including that there
9 is a range of healthy sexual behaviors that are
10 affirming and pleasurable;

11 (iv) the benefits of abstinence, behavioral
12 changes, the use of barrier methods, medication,
13 contraception, and sexually transmitted infection
14 prevention measures, including, but not limited
15 to, instruction that is related to how to
16 effectively use condoms, barrier methods, and
17 preventative medication to protect against
18 sexually transmitted infections, including HIV,
19 and to avoid pregnancy and how to effectively use
20 each method;

21 (v) the relationship between substance use and
22 sexual health and behaviors;

23 (vi) information about the rights of
24 individuals to obtain reproductive and sexual
25 health care; and

26 (vii) unbiased information and

1 non-stigmatizing information about the options
2 regarding pregnancy, including parenting,
3 adoption, and abortion.

4 (B) Diverse sexual orientations, gender
5 identities, and gender expressions, including
6 affirmative representation and health-positive
7 instruction.

8 (C) Gender-role stereotypes, including the
9 potential harm and limitations of such stereotypes.

10 (D) Healthy relationships, including, but not
11 limited to:

12 (i) affirming examples of diverse races,
13 ethnicities, genders, sexual orientations, gender
14 identities, gender expressions, and cultures;

15 (ii) distinguishing between healthy and
16 unhealthy relationships;

17 (iii) the skills of critical thinking, problem
18 solving, self-efficacy, exploring individual
19 values and attitudes, and decision making about
20 sexuality and relationships;

21 (iv) strategies for resisting peer pressure
22 and for communicating in a positive manner; and

23 (v) affirmative recognition of the roles that
24 traditions, values, norms, gender roles,
25 acculturation, family structure, beliefs, and
26 political power play in how students make

1 decisions that affect their sexual health.

2 (E) Consent and how to give and receive consent,
3 including a discussion that includes, but is not
4 limited to, all of the following:

5 (i) That consent is a freely given agreement
6 to sexual activity.

7 (ii) That consent to one particular sexual
8 activity does not constitute consent to other
9 types of sexual activities.

10 (iii) That a person's lack of verbal or
11 physical resistance or submission resulting from
12 the use or threat of force does not constitute
13 consent.

14 (iv) That a person's manner of dress does not
15 constitute consent.

16 (v) That a person's consent to past sexual
17 activity does not constitute consent to future
18 sexual activity.

19 (vi) That a person's consent to engage in
20 sexual activity with one person does not
21 constitute consent to engage in sexual activity
22 with another person.

23 (vii) That a person can withdraw consent at
24 any time.

25 (viii) That a person cannot consent to sexual
26 activity if that person is unable to understand

1 the nature of the activity or give knowing consent
2 due to certain circumstances that include, but are
3 not limited to:

4 (I) the person is incapacitated due to the
5 use or influence of alcohol or drugs;

6 (II) the person is asleep or unconscious;

7 (III) the person is a minor; or

8 (IV) the person is incapacitated due to a
9 mental disability.

10 (F) Personal safety, including, but not limited
11 to, both of the following:

12 (i) Bullying, harassment, coercion,
13 intimidation, violence, and abuse.

14 (ii) Information about interpersonal violence,
15 sexual violence, and human trafficking.

16 Information about human trafficking shall include
17 both of the following:

18 (I) Information on the prevalence, nature,
19 and strategies to reduce the risk of human
20 trafficking, techniques to set healthy
21 boundaries, and how to safely seek assistance.

22 (II) Information on how social media and
23 mobile device applications are used for human
24 trafficking.

25 (G) Information about the safe use of social
26 media, dating or relationship websites or

1 applications, and sexting, including:

2 (i) the possible consequences of sharing or
3 forwarding sexually explicit or sexually
4 suggestive photographs or images, videos, or text
5 messages;

6 (ii) the identification of situations in which
7 bullying or harassment may result as a consequence
8 of using social media or dating applications or
9 engaging in sexting;

10 (iii) the possible long-term legal, social,
11 academic, and other consequences that may result
12 from possessing or distributing sexual content;

13 (iv) the importance of using the Internet
14 safely and how social media, dating applications,
15 and sexting may pose a risk to personal safety;
16 and

17 (v) the identification of individuals,
18 including school personnel, community members, and
19 parents, who may provide assistance with issues,
20 concerns, or problems resulting from use of the
21 Internet.

22 (H) Information about local resources where
23 students can obtain additional information and
24 confidential services related to bullying,
25 interpersonal and sexual violence, suicide prevention,
26 sexual and reproductive health, sexual orientation,

1 gender identity, gender expression, and other related
2 issues.

3 (I) Information about mandated reporting of abused
4 and neglected children as required by the Abused and
5 Neglected Child Reporting Act.

6 (J) Information concerning the Abandoned Newborn
7 Infant Protection Act.

8 (K) Skills for effective communication with
9 parents or guardians, health and social service
10 professionals, other trusted adults, and peers about
11 sexual health and relationships.

12 (L) Skills to explore the roles that race,
13 ethnicity, immigration status, religious beliefs,
14 disability status, sexual orientation, gender
15 identity, gender expression, economic status, and
16 language within different communities play in how
17 students make decisions that affect their sexual
18 health and relationships.

19 (5) Beginning no later than July 1, 2023, a school
20 district shall provide inclusive, medically accurate and
21 complete, age and developmentally appropriate, and
22 culturally appropriate comprehensive sex education in the
23 3rd through 5th grades in all public schools.
24 Comprehensive sex education in the 3rd through 5th grades
25 shall include age and developmentally appropriate
26 instruction on all of the following topics:

1 (A) Human anatomy and reproduction.

2 (B) Puberty, including the physical, social, and
3 emotional changes that occur during puberty and
4 adolescence.

5 (C) Positive body image.

6 (D) Personal hygiene.

7 (E) Information about diverse sexual orientations,
8 gender identities, and gender expressions, including
9 affirmative representation and health-positive
10 instruction.

11 (F) Gender-role stereotypes.

12 (G) Healthy relationships, including family and
13 friendships, and how to distinguish between healthy
14 and unhealthy relationships.

15 (H) Consent.

16 (I) Personal safety, including, but not limited
17 to, bullying, harassment, coercion, intimidation,
18 violence, and abuse.

19 (J) Reliance on and communication with parents and
20 trusted adults about issues related to puberty,
21 developing healthy relationships, and personal safety.

22 (K) Internet safety, including discussion about
23 the safe use and potential risks of social media,
24 dating or relationship applications or websites, and
25 texting. Discussion about the use of social media,
26 dating applications, sexting, and other Internet-based

1 methods of communicating in relationships shall
2 include:

3 (i) the possible consequences of sharing or
4 forwarding sexually explicit or sexually
5 suggestive photographs or images, videos, or text
6 messages;

7 (ii) the identification of situations in which
8 bullying or harassment may result as a consequence
9 of using social media and dating applications or
10 engaging in sexting;

11 (iii) the possible long-term legal, social,
12 academic, and other consequences that may result
13 from possessing or distributing sexual content;

14 (iv) the importance of using the Internet
15 safely and how social media, dating applications,
16 and sexting may pose a risk to personal safety;

17 (v) the identification of individuals,
18 including school personnel, community members, and
19 parents, who may provide assistance with issues,
20 concerns, or problems resulting from use of the
21 Internet; and

22 (vi) the development of strategies for
23 resisting peer pressure and for communicating in a
24 positive manner.

25 (L) Information about interpersonal violence,
26 sexual violence, and human trafficking. The

1 information about human trafficking shall include both
2 of the following:

3 (i) Information on the prevalence, nature, and
4 strategies to reduce the risk of human
5 trafficking, the techniques to set healthy
6 boundaries, and how to safely seek assistance.

7 (ii) Information about how social media and
8 mobile device applications are used for human
9 trafficking.

10 (M) Information about local resources where
11 students can obtain additional information and
12 confidential services related to bullying,
13 interpersonal and sexual violence, suicide prevention,
14 sexual and reproductive health, sexual orientation,
15 gender identity, gender expression, and other related
16 issues.

17 (N) Information about mandated reporting of abused
18 and neglected children as required by the Abused and
19 Neglected Child Reporting Act.

20 (6) Beginning no later than July 1, 2023, a school
21 district shall provide inclusive, medically accurate and
22 complete, age and developmentally appropriate, and
23 culturally appropriate comprehensive sex education in the
24 1st and 2nd grades and in kindergarten if kindergarten is
25 offered by the school. Comprehensive sex education in
26 kindergarten through 2nd grade shall include age and

1 developmentally appropriate instruction on all of the
2 following topics:

3 (A) Human anatomy.

4 (B) Gender roles.

5 (C) Diverse family structures.

6 (D) Healthy relationships.

7 (E) Personal bodily autonomy and the concept of
8 consent.

9 (F) Bullying.

10 (G) How to promote personal safety, including
11 reliance on and communication with parents and trusted
12 adults.

13 (e) By no later than July 1, 2022, the State Board of
14 Education shall post on its website comprehensive sex
15 education resources that are inclusive, medically accurate and
16 complete, age and developmentally appropriate, and culturally
17 appropriate for use in pre-kindergarten through the 12th
18 grade. Any comprehensive sex education offered to
19 pre-kindergarten students shall be age and developmentally
20 appropriate.

21 (f) School disclosure, parental requests, and notice are
22 as follows:

23 (1) It is the intent of the General Assembly to:

24 (A) encourage pupils to communicate with their
25 parents or guardians about human sexuality and health
26 needs and to respect the rights of parents and

1 guardians to supervise their children's education on
2 these subjects;

3 (B) create a streamlined process to make it easier
4 for parents and guardians to review materials and
5 evaluation tools related to comprehensive sex
6 education; and

7 (C) recognize that although parents and guardians
8 overwhelmingly support medically accurate and
9 complete, age and developmentally appropriate, and
10 culturally appropriate comprehensive sex education,
11 parents and guardians have the ultimate responsibility
12 for imparting values regarding human sexuality to
13 their children.

14 (2) A parent or guardian of a student has the right to
15 excuse his or her child from all or a part of comprehensive
16 sex education and assessments related to that education
17 through a passive consent process. A school district may
18 not require active parental consent for comprehensive sex
19 education.

20 (3) A school district shall annually post information
21 on its Internet website about any curricula used to
22 provide comprehensive sex education, including:

23 (A) whether the instruction during the prior
24 school year was provided by a teacher in the school, an
25 outside organization, or a guest lecturer or resource
26 person;

1 (B) the number of students who received the
2 instruction during the prior school year;

3 (C) the number of students excused from
4 instruction pursuant to this subsection (f) during the
5 prior school year;

6 (D) the duration of instruction, including the
7 number of hours of instruction per grade level during
8 the prior school year; and

9 (E) the name and contact information, including an
10 email address, of school personnel who can respond to
11 inquiries and comments about the instruction and
12 materials.

13 If any instruction is provided by an outside
14 organization or guest lecturer or resource person, the
15 school district shall specify the name of the outside
16 organization or the guest lecturer or resource person and
17 identify any organizations with which the guest lecturer
18 or resource person may be affiliated.

19 If an Internet website is not available, the
20 information must be provided in another format to school
21 administrators, school board members, school personnel,
22 parents, guardians, students, and the public.

23 (4) At the beginning of each school year or at the time
24 of a student's enrollment, a school district shall notify
25 the parent or guardian of each student about the
26 instruction planned for the coming school year about

1 comprehensive sex education and research on student
2 health, behaviors, and risks. The notice shall do all of
3 the following:

4 (A) Advise the parent or guardian that written and
5 audiovisual educational materials used in
6 comprehensive sex education, including materials used
7 by an outside organization, guest lecturer, or
8 resource person, are available for inspection both to
9 the parent or guardian and to the public.

10 (B) Advise the parent or guardian whether the
11 comprehensive sex education will be taught by school
12 district personnel or by an outside organization,
13 guest lecturer, or resource person. If comprehensive
14 sex education is to be taught by an outside
15 organization, guest lecturer, or resource person, the
16 notice shall include the date of the instruction, the
17 name of the organization or the affiliation of each
18 guest speaker or resource person, and information
19 stating the right of the parent or guardian to request
20 a copy of the educational materials to be used. If
21 arrangements for this instruction are made after the
22 beginning of the school year, the notice shall be made
23 by mail or another commonly used method of
24 notification no fewer than 14 days before the
25 instruction is delivered.

26 (C) Include information explaining the parent's or

1 guardian's right to request a copy of this Section.

2 (D) Advise the parent or guardian that the parent
3 or guardian has the right to excuse the student from
4 comprehensive sex education and that, in order to
5 excuse the student, the parent or guardian must submit
6 his or her request in writing to the school district.

7 (E) State that a student will not be subject to
8 disciplinary action, an academic penalty, or any other
9 sanction if the student's parent or guardian requests
10 the student not receive the instruction provided under
11 this Section. If a student's parent or guardian
12 requests that the student not receive the instruction
13 provided under this Section, the school is encouraged
14 to provide alternative assignments on a related topic.

15 (F) Identify the name and contact information,
16 including an email address, of school personnel who
17 can respond to inquiries and comments about the course
18 instruction and materials.

19 (g) A school district may collaborate with a local public
20 health department to identify and designate a qualified
21 employee of the local public health department as the school
22 district's point of contact for the purposes of responding to
23 inquiries and comments about course instruction and materials
24 under this Section.

25 (h) No later than July 1, 2022, the State Board of
26 Education shall develop, maintain, and make publicly available

1 State standards consistent with this Section that include, but
2 are not limited to, the National Sex Education Standards as
3 developed by the Future of Sex Education Initiative. In
4 developing standards, the State Board shall engage and seek
5 the advice and input of stakeholders, including, but not
6 limited to, youth, parents, educators, social workers, sexual
7 and interpersonal violence prevention experts, health care
8 providers, and advocates.

9 (i) The State Board of Education shall adopt rules to
10 implement, administer, and ensure compliance with this
11 Section.

12 (105 ILCS 5/27A-5)

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

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

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

1 made to this Section by Public Act 93-3 do not apply to charter
2 schools existing or approved on or before April 16, 2003 (the
3 effective date of Public Act 93-3).

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

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

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

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

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

26 (d) For purposes of this subsection (d), "non-curricular

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

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

1 not contained in the list promulgated by the State Board,
2 including non-curricular health and safety requirements of the
3 authorizing local school board.

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

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

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

1 exempt from all other State laws and regulations in this Code
2 governing public schools and local school board policies;
3 however, a charter school is not exempt from the following:

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

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

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

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

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

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

19 (6) the Illinois School Student Records Act;

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

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

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

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

- 1 (11) Sections 22-80 and 27-8.1 of this Code;
2 (12) Sections 10-20.60 and 34-18.53 of this Code;
3 (13) Sections 10-20.63 and 34-18.56 of this Code;
4 (14) Section 26-18 of this Code;
5 (15) Section 22-30 of this Code; ~~and~~
6 (16) Sections 24-12 and 34-85 of this Code;~~;~~
7 (17) the ~~(16) The~~ Seizure Smart School Act;~~;~~
8 (18) Section 10-23.13 of this Code;
9 (19) Section 27-9.1a of this Code; and
10 (20) Section 34-18.8 of this Code.

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

13 (h) A charter school may negotiate and contract with a
14 school district, the governing body of a State college or
15 university or public community college, or any other public or
16 for-profit or nonprofit private entity for: (i) the use of a
17 school building and grounds or any other real property or
18 facilities that the charter school desires to use or convert
19 for use as a charter school site, (ii) the operation and
20 maintenance thereof, and (iii) the provision of any service,
21 activity, or undertaking that the charter school is required
22 to perform in order to carry out the terms of its charter.
23 However, a charter school that is established on or after
24 April 16, 2003 (the effective date of Public Act 93-3) and that
25 operates in a city having a population exceeding 500,000 may
26 not contract with a for-profit entity to manage or operate the

1 school during the period that commences on April 16, 2003 (the
2 effective date of Public Act 93-3) and concludes at the end of
3 the 2004-2005 school year. Except as provided in subsection
4 (i) of this Section, a school district may charge a charter
5 school reasonable rent for the use of the district's
6 buildings, grounds, and facilities. Any services for which a
7 charter school contracts with a school district shall be
8 provided by the district at cost. Any services for which a
9 charter school contracts with a local school board or with the
10 governing body of a State college or university or public
11 community college shall be provided by the public entity at
12 cost.

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

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

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

1 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
2 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
3 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
4 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
5 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

6 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

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

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

22 (105 ILCS 5/27-9.1 rep.)

23 (105 ILCS 5/27-9.2 rep.)

24 (105 ILCS 5/27-11 rep.)

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.