



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0647

Introduced 2/24/2021, by Sen. Ram Villivalam

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 to the provisions of the Code relating to policies addressing sexual abuse. In the Courses of Study Article, repeals the sex education, family life, and instruction on diseases provisions. Instead, creates an age-appropriate comprehensive sex education program that shall be taught to students enrolled in kindergarten through 12th grade. Provides that the sex education curricula shall, among other provisions, provide information regarding sexual health, consent, personal safety, pregnancy, and sexually transmitted diseases. Provides that the instruction, among other provisions, shall incorporate discussion about diversity in cultures, families, gender identity, economic status, and the roles that these factors play in the development of sexual health and human relationships. Contains provisions that allow a parent or guardian to excuse his or her child from receiving the instruction. Provides for the formation of a committee to assist in the implementation of these provisions. Makes changes in the Chicago School District Article concerning AIDS training. Effective immediately.

LRB102 11436 CMG 16769 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing 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, 2023, 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 the 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 as outlined in 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 adolescents and
18 children health (REACH).

19 (a) The General Assembly finds all of the following:

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

23 (2) Students who receive sex education that includes
24 health-positive instruction on sexual orientation, gender
25 identity, and gender expression report less bullying and

1 harassment.

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

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

7 (5) The leading health and education organizations
8 support sex education that includes information about both
9 delaying sexual activity and contraceptive use.

10 (6) Students often lack the education needed to
11 prevent pregnancy, HIV and other sexually transmitted
12 infections, to develop healthy relationships, to plan for
13 personal safety, and to develop decision-making skills.

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

19 It is the intent of the General Assembly that
20 comprehensive sex education shall promote awareness and
21 healthy attitudes about growth and development, body image,
22 gender identity, gender expression, sexuality, sexual health,
23 sexual orientation, consent, dating, relationships, and
24 families; should be designed to promote positive behaviors and
25 reduce health-related risk behaviors; and must be available to
26 students in kindergarten through 12th grade and provide

1 students with the information, skills, and support needed to
2 acquire accurate information to make healthy decisions
3 throughout their lives.

4 (b) In this Section:

5 "Abstinence" means to refrain from engaging in any sexual
6 behavior or from engaging in specific sexual behavior, such as
7 sexual intercourse, either continuously or periodically.

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

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

22 "Comprehensive sex education" means instruction in a
23 comprehensive school health education approach that addresses
24 the physical, mental, emotional, and social dimensions of
25 human sexuality and is designed to motivate and assist
26 students in maintaining and improving sexual health,

1 preventing disease, and reducing sexual health-related risk
2 behaviors and to enable and empower students to develop and
3 demonstrate developmentally and culturally appropriate
4 sexuality and sexual health-related knowledge, attitudes,
5 skills, and practices.

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

9 "Culturally appropriate" means materials and instruction
10 that respond to culturally diverse individuals, families, and
11 communities in an inclusive, respectful, and effective manner.

12 "Culturally appropriate" includes 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, English learners, people of diverse
16 sexual orientations, gender identities, and gender
17 expressions, people who are intersex, people who have physical
18 or intellectual disabilities, people who have experienced
19 sexual victimization, and people whose experiences have
20 traditionally been left out of sexual health education,
21 programs, and 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 women
25 and men.

26 "Inclusive" means a curriculum that ensures that students

1 from historically marginalized communities that include, but
2 are not limited to, communities of color, immigrant
3 communities, people of diverse sexual orientations, gender
4 identities, and gender expressions, people who are intersex,
5 people who have disabilities, people who have experienced
6 sexual victimization, and others whose experiences have been
7 traditionally left out of sex education programs and policies
8 are included in classroom materials and lessons.

9 "Instructors trained in appropriate courses" means
10 instructors who have knowledge of the most recent medically
11 accurate and complete research on human sexuality, health
12 relationships, pregnancy, HIV, and other sexually transmitted
13 infections.

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

1 functioning or in the effectiveness and benefits of correct
2 and consistent use of condoms and other contraceptives.

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

8 "Sexual violence" means an act of a sexual nature that is
9 committed or attempted by another person without the freely
10 given consent of the victim or against someone who is unable to
11 consent or refuse. "Sexual violence" includes acts of sexual
12 harassment, sexual abuse, and sexual assault.

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

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

22 (c) Comprehensive sex education requirements under this
23 Section are as follows:

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

26 (A) Reflect the characteristics of effective

1 programs.

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

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

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

14 (E) Allow instructors trained in appropriate
15 courses to answer questions initiated by a student
16 that are related to and consistent with the material
17 of the course.

18 (2) Beginning no later than July 1, 2022,
19 comprehensive sex education may not:

20 (A) use shame-based or stigmatizing language or
21 instructional tools or stigmatize parenting or
22 sexually active youth;

23 (B) stigmatize or further victimize students
24 impacted by sexual violence;

25 (C) employ gender stereotypes;

26 (D) exclude the health needs of individuals who

1 are intersex or individuals of diverse sexual
2 orientations, gender identities, or gender
3 expressions; or

4 (E) teach or promote any religious doctrine.

5 (3) Beginning no later than July 1, 2022,
6 comprehensive sex education instruction and materials,
7 including materials provided or presented by outside
8 organizations or guest speakers, may not conflict with the
9 provisions of this Section.

10 (4) Beginning no later than July 1, 2022, a school
11 district shall provide inclusive, medically accurate and
12 complete, age and developmentally appropriate, and
13 culturally appropriate comprehensive sex education in the
14 6th through 12th grades in all public schools, including
15 charter schools. Comprehensive sex education in the 6th
16 through 12th grades shall include age and developmentally
17 appropriate instruction on all of the following topics:

18 (A) The physical, social, and emotional changes of
19 human development.

20 (B) Human anatomy, reproduction, and sexual
21 development.

22 (C) Healthy relationships, including family and
23 friendships, that are based on mutual consent and
24 developing the ability to distinguish between healthy
25 and unhealthy relationships. Such instruction shall
26 include, but not be limited to:

1 (i) how to promote personal safety;

2 (ii) an examination of the harm caused by
3 gender-role stereotypes, violence, coercion,
4 bullying, and intimidation in relationships, both
5 in person and through means of technology; and

6 (iii) the exploration about how gender
7 stereotypes can limit all people.

8 (D) Healthy decision-making skills about sexuality
9 and relationships. Such instruction shall include, but
10 not be limited to:

11 (i) critical thinking, problem solving,
12 self-efficacy, and decision making; and

13 (ii) exploring individual values and
14 attitudes.

15 (E) The promotion of positive body image among
16 students to develop an understanding that there is a
17 range of body types and to feel positive about one's
18 own body type.

19 (F) The promotion of positive sexuality, the
20 reality that there is a range of healthy sexual
21 behaviors, and students should feel positive about
22 sexual behaviors that are consensual, affirming, and
23 pleasurable.

24 (G) The Internet safety education curriculum under
25 Section 27-13.3.

26 (H) Discussion about social media, dating and

1 relationship websites or applications, and sexting,
2 including:

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, 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 (I) Information about interpersonal violence,
26 sexual violence, and human trafficking. Information

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

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

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

10 (J) Information about adolescent relationship
11 abuse and intimate partner violence, including the
12 early warning signs thereof.

13 (K) Information about confidential local services
14 and resources in which students can obtain additional
15 information related to bullying, dating violence,
16 sexual violence, suicide prevention, and other related
17 care without immediate parental notification or
18 consent.

19 (L) Information about mandated reporting of abused
20 and neglected children as required by the Abused and
21 Neglected Child Reporting Act.

22 (M) Course material and instruction must include
23 an age and developmentally appropriate discussion on
24 the meaning of consent that includes discussion on
25 recognizing all of the following:

26 (i) That consent is a freely given agreement

1 to sexual activity.

2 (ii) That consent to one particular sexual
3 activity does not constitute consent to other
4 types of sexual activities.

5 (iii) That a person's lack of verbal or
6 physical resistance or submission resulting from
7 the use or threat of force does not constitute
8 consent.

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

11 (v) That a person's consent to past sexual
12 activity does not constitute consent to future
13 sexual activity.

14 (vi) That a person's consent to engage in
15 sexual activity with one person does not
16 constitute consent to engage in sexual activity
17 with another person.

18 (vii) That a person can withdraw consent at
19 any time.

20 (viii) That a person cannot consent to sexual
21 activity if that person is unable to understand
22 the nature of the activity or give knowing consent
23 due to certain circumstances that include, but are
24 not limited to, (I) the person is incapacitated
25 due to the use or influence of alcohol or drugs,
26 (II) the person is asleep or unconscious, (III)

1 the person is a minor, or (IV) the person is
2 incapacitated due to a mental disability.

3 (N) Encouraging youth to communicate with parents
4 or guardians, health and social service professionals,
5 and other trusted adults about sexuality and intimate
6 relationships.

7 (O) Creating a safe and culturally appropriate
8 environment for all students and others in society.

9 (P) Affirmative and inclusive examples of varying
10 types of relationships and family structures.
11 Discussion of healthy relationships and personal
12 safety must include affirmative representation and
13 health-positive instruction on diverse sexual
14 orientations, gender identities, and gender
15 expressions.

16 (Q) The benefits of abstinence, behavioral
17 changes, the use of barrier methods, medication,
18 contraception, and sexually transmitted infection
19 prevention measures, including:

20 (i) instruction on how to effectively use
21 condoms, barrier methods, and preventative
22 medication to protect against sexually transmitted
23 infections, including HIV;

24 (ii) the benefits of contraception, condoms,
25 and barrier methods to avoid pregnancy and how to
26 effectively use each method;

1 (iii) the relationship between substance use
2 and sexual health and behaviors;

3 (iv) information about local health services
4 in which students can obtain additional
5 information and services related to sexual and
6 reproductive health and other related care; and

7 (v) information about the rights of
8 individuals to obtain contraceptives and sexual
9 health care.

10 (R) Unbiased information and non-stigmatizing
11 information about the options regarding pregnancy,
12 including parenting, adoption, and abortion.

13 (S) Information concerning the Abandoned Newborn
14 Infant Protection Act that relate to the safe
15 abandonment of a child to a firefighter at a fire
16 station or to a staff member at a hospital or a
17 community clinic or at an emergency center within the
18 first 30 days of the child's life.

19 (T) Affirmative recognition of the roles that
20 traditions, values, norms, gender roles,
21 acculturation, family structure, health beliefs, and
22 political power play in how students make decisions
23 that affect their sexual health.

24 (U) Examples of diverse races, ethnicities,
25 genders, sexual orientations, gender identities,
26 gender expressions, cultures, and families, including

1 single-parent households and young families.

2 (V) Information about sexual orientation, gender
3 identity, and gender expression for all students,
4 including:

5 (i) an affirmative recognition that people
6 have diverse sexual orientations, gender
7 identities, and gender expressions; and

8 (ii) referrals to community resources that can
9 provide additional support for students of diverse
10 sexual orientations, gender identities, and gender
11 expressions.

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

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

26 (A) Human anatomy and reproduction.

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

4 (C) The promotion of positive body image among
5 students to develop an understanding that there is a
6 range of body types and to feel positive about one's
7 own body type.

8 (D) Personal hygiene.

9 (E) Information about diverse sexual orientations,
10 gender identities, and gender expressions.

11 (F) Healthy relationships, including family and
12 friendships, that are based on mutual consent and
13 developing the ability to distinguish between healthy
14 and unhealthy relationships and how to promote
15 personal safety.

16 (G) The examination of the harm caused by
17 gender-role stereotypes, coercion, bullying,
18 harassment, and intimidation in relationships.

19 (H) Bullying, harassment, and abuse.

20 (I) Reliance on and communication with parents and
21 trusted adults for help managing the physical, social,
22 and emotional changes during puberty, developing
23 healthy relationships, personal safety, and dealing
24 with bullying, harassment, or abuse.

25 (J) Discussion about social media, dating
26 applications, sexting, and other Internet-based

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

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

24 (K) Information about interpersonal violence,
25 sexual violence, and human trafficking. The
26 information about human trafficking shall include both

1 of the following:

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

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

9 (L) Information about confidential local services
10 and resources where students can obtain additional
11 information related to bullying, dating violence and
12 sexual assault, suicide prevention, and other related
13 care without immediate parental notification or
14 consent.

15 (M) Information about mandated reporting of abused
16 and neglected children as required by the Abused and
17 Neglected Child Reporting Act.

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

- 1 (A) Human anatomy.
- 2 (B) Gender roles.
- 3 (C) Varying family structures.
- 4 (D) Healthy relationships, including friendships.
- 5 (E) Personal bodily autonomy.
- 6 (F) How to promote personal safety, including
7 reliance on and communication with parents and trusted
8 adults.
- 9 (G) Bullying.
- 10 (7) Beginning no later than July 1, 2023, the State
11 Board of Education shall post on its website comprehensive
12 sex education resources that are inclusive, medically
13 accurate and complete, age and developmentally
14 appropriate, and culturally appropriate for use in
15 pre-kindergarten through the 12th grade. Any comprehensive
16 sex education offered to pre-kindergarten students shall
17 be age and developmentally appropriate.
- 18 (d) Parental requests and notice are as follows:
- 19 (1) It is the intent of the General Assembly to:
- 20 (A) encourage pupils to communicate with their
21 parents or guardians about human sexuality and health
22 needs and to respect the rights of parents and
23 guardians to supervise their children's education on
24 these subjects;
- 25 (B) create a streamlined process to make it easier
26 for parents and guardians to review materials and

1 evaluation tools related to comprehensive sexual
2 health education; and

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

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

16 (3) A school district shall post information on its
17 Internet website about any curricula used to provide
18 comprehensive sex education, including:

19 (A) whether the instruction was provided by a
20 teacher in the school, an outside organization, or a
21 guest lecturer or resource person;

22 (B) the number of students who received the
23 instruction;

24 (C) the number of students excused from
25 instruction pursuant to this subsection; and

26 (D) the duration of instruction.

1 If any instruction is provided by an outside
2 organization or guest lecturer or resource person, the
3 school district shall specify the name of the outside
4 organization or the guest lecturer or resource person and
5 identify any organizations with which the guest lecturer
6 or resource person may be affiliated. If an Internet
7 website is not available, the information must be provided
8 in another format to school administrators, school board
9 members, school personnel, parents, guardians, students,
10 and the public.

11 (4) At the beginning of each school year, or, at the
12 time of a student's enrollment, a school district shall
13 notify the parent or guardian of each student about
14 instruction planned for the coming year about
15 comprehensive sex education and research on student
16 health, behaviors, and risks. The notice shall do all of
17 the following:

18 (A) Advise the parent or guardian that written and
19 audiovisual educational materials used in
20 comprehensive sex education are available for
21 inspection both to the parent or guardian and to the
22 public.

23 (B) Advise the parent or guardian whether the
24 comprehensive sex education will be taught by school
25 district personnel or by an outside organization or
26 guest speaker. If comprehensive sex education is to be

1 taught by an outside organization or guest speaker,
2 the notice shall include the date of the instruction,
3 the name of the organization or affiliation of each
4 guest speaker, and information stating the right of
5 the parent or guardian to request a copy of the
6 educational materials to be used. If arrangements for
7 this instruction are made after the beginning of the
8 school year, the notice shall be made by mail or
9 another commonly used method of notification no fewer
10 than 14 days before the instruction is delivered.

11 (C) Include information explaining the parent's or
12 guardian's right to request a copy of this Section.

13 (D) Advise the parent or guardian that the parent
14 or guardian has the right to excuse the student from
15 comprehensive sex education and that, in order to
16 excuse the student, the parent or guardian must submit
17 his or her request in writing to the school district.

18 (E) State that a student will not be subject to
19 disciplinary action, an academic penalty, or any other
20 sanction if the student's parent or guardian requests
21 the student not receive the instruction provided under
22 this Section. If a student's parent or guardian
23 requests that the student not receive the instruction
24 provided under this Section, the school is encouraged
25 to provide alternative assignments on a related topic.

26 (e) The State Board shall adopt rules to implement,

1 administer, and ensure compliance with this Section.

2 The State Board shall develop, maintain, and make publicly
3 available State standards and the current list of curricula
4 that are consistent with this Section.

5 The State Board shall require minimum education and
6 training qualifications for comprehensive sex education
7 instructors.

8 A school district must abide by this Section. All guest
9 lecturers and resource people shall have expertise in
10 comprehensive sex education consistent with this Section.

11 (f) The State Board shall convene a REACH implementation
12 committee to support school districts with implementation of
13 the mandate for comprehensive sex education as follows:

14 (1) The committee must be created and operational
15 within 60 days after the effective date of this amendatory
16 Act of the 102nd General Assembly.

17 (2) The committee shall work with the State Board to:

18 (A) seek input from school districts about
19 implementation;

20 (B) develop and disseminate guidance for school
21 districts;

22 (C) identify existing resources and curricula; and

23 (D) identify opportunities for professional
24 development for educators and school administrators.

25 (3) The committee may form subcommittees to guide and
26 organize its work.

1 (4) The State Board shall support the committee with
2 staff and resources.

3 (5) The State Superintendent of Education shall
4 appoint the members of the committee.

5 (6) Members of the committee are not entitled to
6 compensation for their service as members.

7 (7) At a minimum, the committee shall include:

8 (A) the State Superintendent or his or her
9 designee;

10 (B) a parent representative;

11 (C) a youth representative;

12 (D) a representative of kindergarten through grade
13 12 educators, with emphasis on sex education
14 educators;

15 (E) a representative of school-based health
16 centers or a school nurse;

17 (F) a representative of mental health providers;

18 (G) a representative of school social workers;

19 (H) a representative of a statewide coalition for
20 survivors of sexual violence;

21 (I) a representative of a statewide coalition for
22 survivors of domestic violence;

23 (J) a representative of an organization serving
24 the needs of youth of color;

25 (K) a representative of an organization serving
26 the needs of immigrants;

1 (L) a representative of an organization serving
2 the needs of lesbian, gay, bisexual, transgender,
3 asexual, and queer youth;

4 (M) a representative from an interfaith
5 organization;

6 (N) a representative of an organization serving
7 the needs of intersex individuals; and

8 (O) a representative of an organization serving
9 the needs of students with disabilities.

10 (8) The committee shall be dissolved on January 1,
11 2026.

12 (g) The State Board may adopt rules setting forth a
13 complaint procedure to enforce this Section.

14 The State Board shall establish a web portal to accept
15 complaints from the public that a school district is not
16 adhering to the requirements of this Section. A final
17 determination of a complaint by the State Board shall be
18 appealable to an Illinois circuit court.

19 (h) Pursuant to Section 2-3.25g, a school district may
20 seek a waiver or modification of a mandate for comprehensive
21 sex education required under this Section. If the waiver or
22 modification of a mandate is sought for comprehensive sex
23 education in the 6th through 12th grades for the 2022-2023
24 school year, the State Board shall automatically grant a
25 one-year waiver of the mandate until the 2023-2024 school
26 year. If the waiver or modification of a mandate is sought for

1 comprehensive sex education during kindergarten through 5th
2 grades for the 2023-2024 school year, the State Board shall
3 automatically grant a one-year waiver of the mandate until the
4 2024-2025 school year.

5 (i) There is created by the State Board the REACH Grant
6 Program as follows:

7 (1) The purpose of the REACH Grant Program is to
8 provide money to school districts and charter schools for
9 use in the creation and implementation of comprehensive
10 sex education pursuant to this Section.

11 (2) Upon receipt of federal money or other
12 appropriations or sources of funding, the State Board
13 shall notify school districts and charter schools
14 throughout this State of grants available through the
15 REACH Grant Program.

16 (3) The State Board shall award grants to school
17 districts and charter schools for a period of one year,
18 with the opportunity to seek a one-year extension.

19 (4) Money distributed to school districts and charter
20 schools through the REACH Grant Program must be used only
21 for the provision of comprehensive sex education
22 instruction that complies with this Section.

23 (5) On or before July 1, 2023 and every year
24 thereafter in which grants have been awarded, the State
25 Board shall submit a report concerning the outcomes of the
26 REACH Grant Program to the General Assembly. The report

1 must include, at a minimum:

2 (A) the school districts and charter schools that
3 received a grant under the program;

4 (B) the number of students taught and the
5 instruction utilized;

6 (C) the amount of each grant awarded;

7 (D) the average amount of all grants awarded; and

8 (E) an analysis by the State Board of the impact of
9 funding.

10 (6) Nothing in this subsection prohibits a school
11 district or charter school from applying for and receiving
12 grants through the REACH Grant Program and from applying
13 for and receiving grants or other funding through other
14 sources. A school district or charter school may apply for
15 and receive grants and funding for comprehensive sex
16 education from multiple sources.

17 (7) The State Board shall adopt any rules it deems
18 necessary for the administration of this subsection.

19 (105 ILCS 5/27A-5)

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

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

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

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

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

25 (c) A charter school shall be administered and governed by
26 its board of directors or other governing body in the manner

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

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

1 or other governing body shall complete a minimum of 2 hours of
2 professional development training in these same areas. The
3 training under this subsection may be provided or certified by
4 a statewide charter school membership association or may be
5 provided or certified by other qualified providers approved by
6 the State Board of Education.

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

19 A charter school shall comply with all non-curricular
20 health and safety requirements applicable to public schools
21 under the laws of the State of Illinois. On or before September
22 1, 2015, the State Board shall promulgate and post on its
23 Internet website a list of non-curricular health and safety
24 requirements that a charter school must meet. The list shall
25 be updated annually no later than September 1. Any charter
26 contract between a charter school and its authorizer must

1 contain a provision that requires the charter school to follow
2 the list of all non-curricular health and safety requirements
3 promulgated by the State Board and any non-curricular health
4 and safety requirements added by the State Board to such list
5 during the term of the charter. Nothing in this subsection (d)
6 precludes an authorizer from including non-curricular health
7 and safety requirements in a charter school contract that are
8 not contained in the list promulgated by the State Board,
9 including non-curricular health and safety requirements of the
10 authorizing local school board.

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

15 (f) A charter school shall be responsible for the
16 management and operation of its fiscal affairs including, but
17 not limited to, the preparation of its budget. An audit of each
18 charter school's finances shall be conducted annually by an
19 outside, independent contractor retained by the charter
20 school. To ensure financial accountability for the use of
21 public funds, on or before December 1 of every year of
22 operation, each charter school shall submit to its authorizer
23 and the State Board a copy of its audit and a copy of the Form
24 990 the charter school filed that year with the federal
25 Internal Revenue Service. In addition, if deemed necessary for
26 proper financial oversight of the charter school, an

1 authorizer may require quarterly financial statements from
2 each charter school.

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

11 (1) Sections 10-21.9 and 34-18.5 of this Code
12 regarding criminal history records checks and checks of
13 the Statewide Sex Offender Database and Statewide Murderer
14 and Violent Offender Against Youth Database of applicants
15 for employment;

16 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
17 34-84a of this Code regarding discipline of students;

18 (3) the Local Governmental and Governmental Employees
19 Tort Immunity Act;

20 (4) Section 108.75 of the General Not For Profit
21 Corporation Act of 1986 regarding indemnification of
22 officers, directors, employees, and agents;

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

24 (5.5) subsection (b) of Section 10-23.12 and
25 subsection (b) of Section 34-18.6 of this Code;

26 (6) the Illinois School Student Records Act;

- 1 (7) Section 10-17a of this Code regarding school
2 report cards;
- 3 (8) the P-20 Longitudinal Education Data System Act;
- 4 (9) Section 27-23.7 of this Code regarding bullying
5 prevention;
- 6 (10) Section 2-3.162 of this Code regarding student
7 discipline reporting;
- 8 (11) Sections 22-80 and 27-8.1 of this Code;
- 9 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 10 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 11 (14) Section 26-18 of this Code;
- 12 (15) Section 22-30 of this Code; ~~and~~
- 13 (16) Sections 24-12 and 34-85 of this Code; ~~;~~
- 14 (17) the (16) The Seizure Smart School Act; ~~;~~
- 15 (18) Section 10-23.13 of this Code; and
- 16 (19) Section 27-9.1a of this Code.

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

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

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

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

1 local school board and shall be set forth in the charter.

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

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

7 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
8 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
9 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
10 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
11 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

12 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

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

1 develop standards for such training.

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

3 (105 ILCS 5/27-9.1 rep.)

4 (105 ILCS 5/27-9.2 rep.)

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

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

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