



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2049

Introduced 2/7/2023, by Rep. Maurice A. West, II - Barbara Hernandez

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Provides that each school district must create, implement, and maintain an age-appropriate policy on race-related harassment and discrimination. In provisions concerning bullying prevention, provides that the required policy on bullying shall also include age-appropriate information about the definitions of harassment and sexual harassment, the procedures for reporting harassment, and the protections and relief available under Illinois Human Rights Act. Amends the Illinois Human Rights Act. Provides that harassment by an elementary, secondary, or higher education representative or the failure of an institution of elementary, secondary, or higher education to take remedial action or appropriate disciplinary action against a student or an elementary, secondary, or higher education representative employed by the institution (if the institution knows that the student or representative committed or engaged in harassment) is a civil rights violation. Provides that each institution of elementary, secondary, or higher education shall establish, implement, and maintain a continuing race-related discrimination and harassment program. Sets forth requirements concerning policies and procedures, a model training program, and reporting. Makes other changes. Effective August 1, 2024.

LRB103 26757 RJT 53120 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

4 Section 1. This Act may be referred to as the Racism-Free
5 Schools Law.

6 Section 5. The School Code is amended by changing Sections
7 10-20.69, 27-23.7, 27A-5, and 34-18.62 as follows:

8 (105 ILCS 5/10-20.69)

9 Sec. 10-20.69. Policies ~~Policy~~ on ~~sexual~~ harassment and
10 discrimination.

11 (a) Each school district must create, maintain, and
12 implement an age-appropriate policy on sexual harassment that
13 must be posted on the school district's website and, if
14 applicable, any other area where policies, rules, and
15 standards of conduct are currently posted in each school and
16 must also be included in the school district's student code of
17 conduct handbook.

18 (b) Each school district must create, implement, and
19 maintain an age-appropriate policy on race-related harassment
20 and discrimination. This policy must be in compliance with and
21 distributed in accordance with Section 5A-103 of the Illinois
22 Human Rights Act.

1 (Source: P.A. 101-418, eff. 1-1-20; 102-558, eff. 8-20-21.)

2 (105 ILCS 5/27-23.7)

3 Sec. 27-23.7. Bullying prevention.

4 (a) The General Assembly finds that a safe and civil
5 school environment is necessary for students to learn and
6 achieve and that bullying causes physical, psychological, and
7 emotional harm to students and interferes with students'
8 ability to learn and participate in school activities. The
9 General Assembly further finds that bullying has been linked
10 to other forms of antisocial behavior, such as vandalism,
11 shoplifting, skipping and dropping out of school, fighting,
12 using drugs and alcohol, sexual harassment, and sexual
13 violence. Because of the negative outcomes associated with
14 bullying in schools, the General Assembly finds that school
15 districts, charter schools, and non-public, non-sectarian
16 elementary and secondary schools should educate students,
17 parents, and school district, charter school, or non-public,
18 non-sectarian elementary or secondary school personnel about
19 what behaviors constitute prohibited bullying.

20 Bullying on the basis of actual or perceived race, color,
21 religion, sex, national origin, ancestry, age, marital status,
22 physical or mental disability, military status, sexual
23 orientation, gender-related identity or expression,
24 unfavorable discharge from military service, association with
25 a person or group with one or more of the aforementioned actual

1 or perceived characteristics, or any other distinguishing
2 characteristic is prohibited in all school districts, charter
3 schools, and non-public, non-sectarian elementary and
4 secondary schools. No student shall be subjected to bullying:

5 (1) during any school-sponsored education program or
6 activity;

7 (2) while in school, on school property, on school
8 buses or other school vehicles, at designated school bus
9 stops waiting for the school bus, or at school-sponsored
10 or school-sanctioned events or activities;

11 (3) through the transmission of information from a
12 school computer, a school computer network, or other
13 similar electronic school equipment; or

14 (4) through the transmission of information from a
15 computer that is accessed at a nonschool-related location,
16 activity, function, or program or from the use of
17 technology or an electronic device that is not owned,
18 leased, or used by a school district or school if the
19 bullying causes a substantial disruption to the
20 educational process or orderly operation of a school. This
21 item (4) applies only in cases in which a school
22 administrator or teacher receives a report that bullying
23 through this means has occurred and does not require a
24 district or school to staff or monitor any
25 nonschool-related activity, function, or program.

26 (a-5) Nothing in this Section is intended to infringe upon

1 any right to exercise free expression or the free exercise of
2 religion or religiously based views protected under the First
3 Amendment to the United States Constitution or under Section 3
4 of Article I of the Illinois Constitution.

5 (b) In this Section:

6 "Bullying" includes "cyber-bullying" and means any severe
7 or pervasive physical or verbal act or conduct, including
8 communications made in writing or electronically, directed
9 toward a student or students that has or can be reasonably
10 predicted to have the effect of one or more of the following:

11 (1) placing the student or students in reasonable fear
12 of harm to the student's or students' person or property;

13 (2) causing a substantially detrimental effect on the
14 student's or students' physical or mental health;

15 (3) substantially interfering with the student's or
16 students' academic performance; or

17 (4) substantially interfering with the student's or
18 students' ability to participate in or benefit from the
19 services, activities, or privileges provided by a school.

20 Bullying, as defined in this subsection (b), may take
21 various forms, including without limitation one or more of the
22 following: harassment, threats, intimidation, stalking,
23 physical violence, sexual harassment, sexual violence, racial
24 harassment, racial violence, theft, public humiliation,
25 destruction of property, or retaliation for asserting or
26 alleging an act of bullying. This list is meant to be

1 illustrative and non-exhaustive.

2 "Cyber-bullying" means bullying through the use of
3 technology or any electronic communication, including without
4 limitation any transfer of signs, signals, writing, images,
5 sounds, data, or intelligence of any nature transmitted in
6 whole or in part by a wire, radio, electromagnetic system,
7 photoelectronic system, or photooptical system, including
8 without limitation electronic mail, Internet communications,
9 instant messages, or facsimile communications.

10 "Cyber-bullying" includes the creation of a webpage or weblog
11 in which the creator assumes the identity of another person or
12 the knowing impersonation of another person as the author of
13 posted content or messages if the creation or impersonation
14 creates any of the effects enumerated in the definition of
15 bullying in this Section. "Cyber-bullying" also includes the
16 distribution by electronic means of a communication to more
17 than one person or the posting of material on an electronic
18 medium that may be accessed by one or more persons if the
19 distribution or posting creates any of the effects enumerated
20 in the definition of bullying in this Section.

21 "Policy on bullying" means a bullying prevention policy
22 that meets the following criteria:

23 (1) Includes the bullying definition provided in this
24 Section.

25 (1.5) Includes age-appropriate information about the
26 definitions of harassment in elementary, secondary, or

1 higher education and sexual harassment in elementary,
2 secondary, or higher education in accordance with the
3 Illinois Human Rights Act.

4 (1.10) Includes procedures for reporting harassment to
5 school, State, and federal officials and the protections
6 and relief available to victims of harassment under
7 Articles 7A and 8A of the Illinois Human Rights Act and any
8 other applicable State and federal laws.

9 (2) Includes a statement that bullying is contrary to
10 State law and the policy of the school district, charter
11 school, or non-public, non-sectarian elementary or
12 secondary school and is consistent with subsection (a-5)
13 of this Section.

14 (3) Includes procedures for promptly reporting
15 bullying, including, but not limited to, identifying and
16 providing the school e-mail address (if applicable) and
17 school telephone number for the staff person or persons
18 responsible for receiving such reports and a procedure for
19 anonymous reporting; however, this shall not be construed
20 to permit formal disciplinary action solely on the basis
21 of an anonymous report.

22 (4) Consistent with federal and State laws and rules
23 governing student privacy rights, includes procedures for
24 promptly informing parents or guardians of all students
25 involved in the alleged incident of bullying and
26 discussing, as appropriate, the availability of social

1 work services, counseling, school psychological services,
2 other interventions, and restorative measures.

3 (5) Contains procedures for promptly investigating and
4 addressing reports of bullying, including the following:

5 (A) Making all reasonable efforts to complete the
6 investigation within 10 school days after the date the
7 report of the incident of bullying was received and
8 taking into consideration additional relevant
9 information received during the course of the
10 investigation about the reported incident of bullying.

11 (B) Involving appropriate school support personnel
12 and other staff persons with knowledge, experience,
13 and training on bullying prevention, as deemed
14 appropriate, in the investigation process and
15 including one or more persons designated by the school
16 with the appropriate knowledge, experience, or
17 training to identify harassment and the authority to
18 implement appropriate procedures and protections in
19 cases of harassment.

20 (C) Notifying the principal or school
21 administrator or his or her designee of the report of
22 the incident of bullying as soon as possible after the
23 report is received.

24 (D) Consistent with federal and State laws and
25 rules governing student privacy rights, providing
26 parents and guardians of the students who are parties

1 to the investigation information about the
2 investigation and an opportunity to meet with the
3 principal or school administrator or his or her
4 designee to discuss the investigation, the findings of
5 the investigation, and the actions taken to address
6 the reported incident of bullying.

7 (6) Includes the interventions that can be taken to
8 address bullying, which may include, but are not limited
9 to, school social work services, restorative measures,
10 social-emotional skill building, counseling, school
11 psychological services, and community-based services.

12 (7) Includes a statement prohibiting reprisal or
13 retaliation against any person who reports an act of
14 bullying and the consequences and appropriate remedial
15 actions for a person who engages in reprisal or
16 retaliation.

17 (8) Includes consequences and appropriate remedial
18 actions for a person found to have falsely accused another
19 of bullying as a means of retaliation or as a means of
20 bullying.

21 (9) Is based on the engagement of a range of school
22 stakeholders, including students and parents or guardians.

23 (10) Is posted on the school district's, charter
24 school's, or non-public, non-sectarian elementary or
25 secondary school's existing Internet website, is included
26 in the student handbook, and, where applicable, posted

1 where other policies, rules, and standards of conduct are
2 currently posted in the school and provided periodically
3 throughout the school year to students and faculty, and is
4 distributed annually to parents, guardians, students, and
5 school personnel, including new employees when hired.

6 (11) As part of the process of reviewing and
7 re-evaluating the policy under subsection (d) of this
8 Section, contains a policy evaluation process to assess
9 the outcomes and effectiveness of the policy that
10 includes, but is not limited to, factors such as the
11 frequency of victimization; the number and percentages of
12 bullying incidents that also constitute harassment in
13 elementary, secondary, or higher education under the
14 Illinois Human Rights Act; student, staff, and family
15 observations of safety at a school; identification of
16 areas of a school where bullying occurs; the types of
17 bullying utilized; and bystander intervention or
18 participation. The school district, charter school, or
19 non-public, non-sectarian elementary or secondary school
20 may use relevant data and information it already collects
21 for other purposes in the policy evaluation. The
22 information developed as a result of the policy evaluation
23 must be made available on the Internet website of the
24 school district, charter school, or non-public,
25 non-sectarian elementary or secondary school. If an
26 Internet website is not available, the information must be

1 provided to school administrators, school board members,
2 school personnel, parents, guardians, and students.

3 (12) Is consistent with the policies of the school
4 board, charter school, or non-public, non-sectarian
5 elementary or secondary school.

6 "Restorative measures" means a continuum of school-based
7 alternatives to exclusionary discipline, such as suspensions
8 and expulsions, that: (i) are adapted to the particular needs
9 of the school and community, (ii) contribute to maintaining
10 school safety, (iii) protect the integrity of a positive and
11 productive learning climate, (iv) teach students the personal
12 and interpersonal skills they will need to be successful in
13 school and society, (v) serve to build and restore
14 relationships among students, families, schools, and
15 communities, (vi) reduce the likelihood of future disruption
16 by balancing accountability with an understanding of students'
17 behavioral health needs in order to keep students in school,
18 and (vii) increase student accountability if the incident of
19 bullying is based on religion, race, ethnicity, or any other
20 category that is identified in the Illinois Human Rights Act.

21 "School personnel" means persons employed by, on contract
22 with, or who volunteer in a school district, charter school,
23 or non-public, non-sectarian elementary or secondary school,
24 including without limitation school and school district
25 administrators, teachers, school social workers, school
26 counselors, school psychologists, school nurses, cafeteria

1 workers, custodians, bus drivers, school resource officers,
2 and security guards.

3 (c) (Blank).

4 (d) Each school district, charter school, and non-public,
5 non-sectarian elementary or secondary school shall create,
6 maintain, and implement a policy on bullying, which policy
7 must be filed with the State Board of Education. The policy or
8 implementing procedure shall include a process to investigate
9 whether a reported act of bullying is within the permissible
10 scope of the district's or school's jurisdiction and whether
11 the reported act of bullying meets the threshold for
12 harassment in elementary, secondary, or higher education under
13 the Illinois Human Rights Act and shall require that the
14 district or school provide the victim with information
15 regarding services that are available within the district and
16 community, such as counseling, support services, and other
17 programs, and the protections and relief available under
18 Articles 7A and 8A of the Illinois Human Rights Act in cases in
19 which the reported act of bullying meets the threshold for
20 harassment in elementary, secondary, or higher education under
21 the Illinois Human Rights Act. School personnel available for
22 help with a bully or to make a report about bullying shall be
23 made known to parents or legal guardians, students, and school
24 personnel. Every 2 years, each school district, charter
25 school, and non-public, non-sectarian elementary or secondary
26 school shall conduct a review and re-evaluation of its policy

1 and make any necessary and appropriate revisions, including
2 revisions that prevent harassment if appropriate. No later
3 than September 30 of the subject year, the policy must be filed
4 with the State Board of Education after being updated. The
5 State Board of Education shall monitor and provide technical
6 support for the implementation of policies created under this
7 subsection (d). In monitoring the implementation of the
8 policies, the State Board of Education shall review each filed
9 policy on bullying to ensure all policies meet the
10 requirements set forth in this Section, including ensuring
11 that each policy meets the 12 criterion identified within the
12 definition of "policy on bullying" set forth in this Section.

13 If a school district, charter school, or non-public,
14 non-sectarian elementary or secondary school fails to file a
15 policy on bullying by September 30 of the subject year, the
16 State Board of Education shall provide a written request for
17 filing to the school district, charter school, or non-public,
18 non-sectarian elementary or secondary school. If a school
19 district, charter school, or non-public, non-sectarian
20 elementary or secondary school fails to file a policy on
21 bullying within 14 days of receipt of the aforementioned
22 written request, the State Board of Education shall publish
23 notice of the non-compliance on the State Board of Education's
24 website.

25 (e) This Section shall not be interpreted to prevent a
26 victim from seeking redress under any other available civil or

1 criminal law.

2 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
3 102-813, eff. 5-13-22; 102-894, eff. 5-20-22.)

4 (105 ILCS 5/27A-5)

5 (Text of Section before amendment by P.A. 102-466 and
6 102-702)

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

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

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

23 (b-5) In this subsection (b-5), "virtual-schooling" means
24 a cyber school where students engage in online curriculum and
25 instruction via the Internet and electronic communication with

1 their teachers at remote locations and with students
2 participating at different times.

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

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

25 (c-5) No later than January 1, 2021 (one year after the
26 effective date of Public Act 101-291) or within the first year

1 of his or her first term, every voting member of a charter
2 school's board of directors or other governing body shall
3 complete a minimum of 4 hours of professional development
4 leadership training to ensure that each member has sufficient
5 familiarity with the board's or governing body's role and
6 responsibilities, including financial oversight and
7 accountability of the school, evaluating the principal's and
8 school's performance, adherence to the Freedom of Information
9 Act and the Open Meetings Act, and compliance with education
10 and labor law. In each subsequent year of his or her term, a
11 voting member of a charter school's board of directors or
12 other governing body shall complete a minimum of 2 hours of
13 professional development training in these same areas. The
14 training under this subsection may be provided or certified by
15 a statewide charter school membership association or may be
16 provided or certified by other qualified providers approved by
17 the State Board of Education.

18 (d) For purposes of this subsection (d), "non-curricular
19 health and safety requirement" means any health and safety
20 requirement created by statute or rule to provide, maintain,
21 preserve, or safeguard safe or healthful conditions for
22 students and school personnel or to eliminate, reduce, or
23 prevent threats to the health and safety of students and
24 school personnel. "Non-curricular health and safety
25 requirement" does not include any course of study or
26 specialized instructional requirement for which the State

1 Board has established goals and learning standards or which is
2 designed primarily to impart knowledge and skills for students
3 to master and apply as an outcome of their education.

4 A charter school shall comply with all non-curricular
5 health and safety requirements applicable to public schools
6 under the laws of the State of Illinois. On or before September
7 1, 2015, the State Board shall promulgate and post on its
8 Internet website a list of non-curricular health and safety
9 requirements that a charter school must meet. The list shall
10 be updated annually no later than September 1. Any charter
11 contract between a charter school and its authorizer must
12 contain a provision that requires the charter school to follow
13 the list of all non-curricular health and safety requirements
14 promulgated by the State Board and any non-curricular health
15 and safety requirements added by the State Board to such list
16 during the term of the charter. Nothing in this subsection (d)
17 precludes an authorizer from including non-curricular health
18 and safety requirements in a charter school contract that are
19 not contained in the list promulgated by the State Board,
20 including non-curricular health and safety requirements of the
21 authorizing local school board.

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

26 (f) A charter school shall be responsible for the

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

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

25 (1) Sections 10-21.9 and 34-18.5 of this Code
26 regarding criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide Murderer
2 and Violent Offender Against Youth Database of applicants
3 for employment;

4 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
5 34-84a of this Code regarding discipline of students;

6 (3) the Local Governmental and Governmental Employees
7 Tort Immunity Act;

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

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

12 (5.5) subsection (b) of Section 10-23.12 and
13 subsection (b) of Section 34-18.6 of this Code;

14 (6) the Illinois School Student Records Act;

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

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

18 (9) Section 27-23.7 of this Code regarding bullying
19 prevention;

20 (10) Section 2-3.162 of this Code regarding student
21 discipline reporting;

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

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

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

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

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

- 1 (16) Sections 24-12 and 34-85 of this Code;
2 (17) the Seizure Smart School Act;
3 (18) Section 2-3.64a-10 of this Code;
4 (19) Sections 10-20.73 and 34-21.9 of this Code;
5 (20) Section 10-22.25b of this Code;
6 (21) Section 27-9.1a of this Code;
7 (22) Section 27-9.1b of this Code;
8 (23) Section 34-18.8 of this Code;
9 (25) Section 2-3.188 of this Code;
10 (26) Section 22-85.5 of this Code;
11 (27) subsections ~~Subsections~~ (d-10), (d-15), and
12 (d-20) of Section 10-20.56 of this Code; ~~and~~
13 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
14 (29) ~~(27)~~ Section 10-20.13 of this Code;
15 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
16 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
17 (33) Sections 10-20.69 and 34-18.62 of this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the State Board of Education.

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

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

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

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

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

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

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

14 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
15 34-84a of this Code regarding discipline of students;

16 (3) the Local Governmental and Governmental Employees
17 Tort Immunity Act;

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

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

22 (5.5) subsection (b) of Section 10-23.12 and
23 subsection (b) of Section 34-18.6 of this Code;

24 (6) the Illinois School Student Records Act;

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

- 1 (8) the P-20 Longitudinal Education Data System Act;
- 2 (9) Section 27-23.7 of this Code regarding bullying
- 3 prevention;
- 4 (10) Section 2-3.162 of this Code regarding student
- 5 discipline reporting;
- 6 (11) Sections 22-80 and 27-8.1 of this Code;
- 7 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 8 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 9 (14) Sections 22-90 and 26-18 of this Code;
- 10 (15) Section 22-30 of this Code;
- 11 (16) Sections 24-12 and 34-85 of this Code;
- 12 (17) the Seizure Smart School Act;
- 13 (18) Section 2-3.64a-10 of this Code;
- 14 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 15 (20) Section 10-22.25b of this Code;
- 16 (21) Section 27-9.1a of this Code;
- 17 (22) Section 27-9.1b of this Code;
- 18 (23) Section 34-18.8 of this Code; ~~and~~
- 19 (25) Section 2-3.188 of this Code;
- 20 (26) Section 22-85.5 of this Code;
- 21 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 22 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 23 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- 24 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 25 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 26 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~

1 (32) ~~(25)~~ Section 22-85.10 of this Code; and

2 (33) Sections 10-20.69 and 34-18.62 of this Code.

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

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

1 charter school contracts with a local school board or with the
2 governing body of a State college or university or public
3 community college shall be provided by the public entity at
4 cost.

5 (i) In no event shall a charter school that is established
6 by converting an existing school or attendance center to
7 charter school status be required to pay rent for space that is
8 deemed available, as negotiated and provided in the charter
9 agreement, in school district facilities. However, all other
10 costs for the operation and maintenance of school district
11 facilities that are used by the charter school shall be
12 subject to negotiation between the charter school and the
13 local school board and shall be set forth in the charter.

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

16 (k) If the charter school is approved by the State Board or
17 Commission, then the charter school is its own local education
18 agency.

19 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
20 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
21 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
22 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
23 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
24 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,
25 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

1 (Text of Section after amendment by P.A. 102-466)

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

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

8 (b) A charter school may be established under this Article
9 by creating a new school or by converting an existing public
10 school or attendance center to charter school status.
11 Beginning on April 16, 2003 (the effective date of Public Act
12 93-3), in all new applications to establish a charter school
13 in a city having a population exceeding 500,000, operation of
14 the charter school shall be limited to one campus. The changes
15 made to this Section by Public Act 93-3 do not apply to charter
16 schools existing or approved on or before April 16, 2003 (the
17 effective date of Public Act 93-3).

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

23 From April 1, 2013 through December 31, 2016, there is a
24 moratorium on the establishment of charter schools with
25 virtual-schooling components in school districts other than a
26 school district organized under Article 34 of this Code. This

1 moratorium does not apply to a charter school with
2 virtual-schooling components existing or approved prior to
3 April 1, 2013 or to the renewal of the charter of a charter
4 school with virtual-schooling components already approved
5 prior to April 1, 2013.

6 (c) A charter school shall be administered and governed by
7 its board of directors or other governing body in the manner
8 provided in its charter. The governing body of a charter
9 school shall be subject to the Freedom of Information Act and
10 the Open Meetings Act. No later than January 1, 2021 (one year
11 after the effective date of Public Act 101-291), a charter
12 school's board of directors or other governing body must
13 include at least one parent or guardian of a pupil currently
14 enrolled in the charter school who may be selected through the
15 charter school or a charter network election, appointment by
16 the charter school's board of directors or other governing
17 body, or by the charter school's Parent Teacher Organization
18 or its equivalent.

19 (c-5) No later than January 1, 2021 (one year after the
20 effective date of Public Act 101-291) or within the first year
21 of his or her first term, every voting member of a charter
22 school's board of directors or other governing body shall
23 complete a minimum of 4 hours of professional development
24 leadership training to ensure that each member has sufficient
25 familiarity with the board's or governing body's role and
26 responsibilities, including financial oversight and

1 accountability of the school, evaluating the principal's and
2 school's performance, adherence to the Freedom of Information
3 Act and the Open Meetings Act, and compliance with education
4 and labor law. In each subsequent year of his or her term, a
5 voting member of a charter school's board of directors or
6 other governing body shall complete a minimum of 2 hours of
7 professional development training in these same areas. The
8 training under this subsection may be provided or certified by
9 a statewide charter school membership association or may be
10 provided or certified by other qualified providers approved by
11 the State Board of Education.

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

24 A charter school shall comply with all non-curricular
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois. On or before September

1 1, 2015, the State Board shall promulgate and post on its
2 Internet website a list of non-curricular health and safety
3 requirements that a charter school must meet. The list shall
4 be updated annually no later than September 1. Any charter
5 contract between a charter school and its authorizer must
6 contain a provision that requires the charter school to follow
7 the list of all non-curricular health and safety requirements
8 promulgated by the State Board and any non-curricular health
9 and safety requirements added by the State Board to such list
10 during the term of the charter. Nothing in this subsection (d)
11 precludes an authorizer from including non-curricular health
12 and safety requirements in a charter school contract that are
13 not contained in the list promulgated by the State Board,
14 including non-curricular health and safety requirements of the
15 authorizing local school board.

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

20 (f) A charter school shall be responsible for the
21 management and operation of its fiscal affairs, including, but
22 not limited to, the preparation of its budget. An audit of each
23 charter school's finances shall be conducted annually by an
24 outside, independent contractor retained by the charter
25 school. The contractor shall not be an employee of the charter
26 school or affiliated with the charter school or its authorizer

1 in any way, other than to audit the charter school's finances.
2 To ensure financial accountability for the use of public
3 funds, on or before December 1 of every year of operation, each
4 charter school shall submit to its authorizer and the State
5 Board a copy of its audit and a copy of the Form 990 the
6 charter school filed that year with the federal Internal
7 Revenue Service. In addition, if deemed necessary for proper
8 financial oversight of the charter school, an authorizer may
9 require quarterly financial statements from each charter
10 school.

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

19 (1) Sections 10-21.9 and 34-18.5 of this Code
20 regarding criminal history records checks and checks of
21 the Statewide Sex Offender Database and Statewide Murderer
22 and Violent Offender Against Youth Database of applicants
23 for employment;

24 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
25 34-84a of this Code regarding discipline of students;

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

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

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

6 (5.5) subsection (b) of Section 10-23.12 and
7 subsection (b) of Section 34-18.6 of this Code;

8 (6) the Illinois School Student Records Act;

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

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

12 (9) Section 27-23.7 of this Code regarding bullying
13 prevention;

14 (10) Section 2-3.162 of this Code regarding student
15 discipline reporting;

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

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

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

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

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

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

22 (17) the Seizure Smart School Act;

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

24 (19) Sections 10-20.73 and 34-21.9 of this Code;

25 (20) Section 10-22.25b of this Code;

26 (21) Section 27-9.1a of this Code;

- 1 (22) Section 27-9.1b of this Code;
- 2 (23) Section 34-18.8 of this Code;
- 3 (24) Article 26A of this Code; ~~and~~
- 4 (25) Section 2-3.188 of this Code;
- 5 (26) Section 22-85.5 of this Code;
- 6 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 7 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 8 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- 9 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 10 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 11 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 12 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~and~~
- 13 (33) Sections 10-20.69 and 34-18.62 of this Code.

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

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

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

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

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

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

4 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
5 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
6 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
7 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
8 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
9 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,
10 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;
11 revised 12-13-22.)

12 (105 ILCS 5/34-18.62)

13 Sec. 34-18.62. Policies ~~Policy~~ on ~~sexual~~ harassment and
14 discrimination.

15 (a) The school district must create, maintain, and
16 implement an age-appropriate policy on sexual harassment that
17 must be posted on the school district's website and, if
18 applicable, any other area where policies, rules, and
19 standards of conduct are currently posted in each school and
20 must also be included in the school district's student code of
21 conduct handbook.

22 (b) The school district must create, implement, and
23 maintain an age-appropriate policy on race-related harassment
24 and discrimination. This policy must be in compliance with and
25 distributed in accordance with Section 5A-103 of the Illinois

1 Human Rights Act.

2 (Source: P.A. 101-418, eff. 1-1-20; 102-558, eff. 8-20-21.)

3 Section 10. The Illinois Human Rights Act is amended by
4 changing Sections 1-102, 5A-101, 5A-102, and 6-101 and by
5 adding Section 5A-103 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 Sec. 1-102. Declaration of Policy. It is the public
8 policy of this State:

9 (A) Freedom from Unlawful Discrimination. To secure for
10 all individuals within Illinois the freedom from
11 discrimination against any individual because of his or her
12 race, color, religion, sex, national origin, ancestry, age,
13 order of protection status, marital status, physical or mental
14 disability, military status, sexual orientation, pregnancy, or
15 unfavorable discharge from military service in connection with
16 employment, real estate transactions, access to financial
17 credit, and the availability of public accommodations,
18 including elementary, secondary, and higher education
19 institutions.

20 (B) Freedom from Sexual Harassment—Employment and
21 Elementary, Secondary, and Higher Education. To prevent sexual
22 harassment in employment and sexual harassment in elementary,
23 secondary, and higher education.

24 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on
2 citizenship status in employment.

3 (C-5) Freedom from Discrimination Based on Work
4 Authorization Status-Employment. To prevent discrimination
5 based on the specific status or term of status that
6 accompanies a legal work authorization.

7 (D) Freedom from Discrimination Based on Familial Status
8 or Source of Income-Real Estate Transactions. To prevent
9 discrimination based on familial status or source of income in
10 real estate transactions.

11 (E) Public Health, Welfare and Safety. To promote the
12 public health, welfare and safety by protecting the interest
13 of all people in Illinois in maintaining personal dignity, in
14 realizing their full productive capacities, and in furthering
15 their interests, rights and privileges as citizens of this
16 State.

17 (F) Implementation of Constitutional Guarantees. To secure
18 and guarantee the rights established by Sections 17, 18 and 19
19 of Article I of the Illinois Constitution of 1970.

20 (G) Equal Opportunity, Affirmative Action. To establish
21 Equal Opportunity and Affirmative Action as the policies of
22 this State in all of its decisions, programs and activities,
23 and to assure that all State departments, boards, commissions
24 and instrumentalities rigorously take affirmative action to
25 provide equality of opportunity and eliminate the effects of
26 past discrimination in the internal affairs of State

1 government and in their relations with the public.

2 (H) Unfounded Charges. To protect citizens of this State
3 against unfounded charges of unlawful discrimination, sexual
4 harassment in employment and sexual harassment in elementary,
5 secondary, and higher education, and discrimination based on
6 citizenship status or work authorization status in employment.
7 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

8 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

9 Sec. 5A-101. Definitions. The following definitions are
10 applicable strictly in the content of this Article, except
11 that the term "sexual harassment in elementary, secondary, and
12 higher education" as defined herein has the meaning herein
13 ascribed to it whenever that term is used anywhere in this Act.

14 (A) Institution of Elementary, Secondary, or Higher
15 Education. "Institution of elementary, secondary, or higher
16 education" means: (1) a publicly or privately operated
17 university, college, community college, junior college,
18 business or vocational school, or other educational
19 institution offering degrees and instruction beyond the
20 secondary school level; or (2) a publicly or privately
21 operated elementary school or secondary school.

22 (B) Degree. "Degree" means: (1) a designation,
23 appellation, series of letters or words or other symbols which
24 signifies or purports to signify that the recipient thereof
25 has satisfactorily completed an organized academic, business

1 or vocational program of study offered beyond the secondary
2 school level; or (2) a designation signifying that the
3 recipient has graduated from an elementary school or secondary
4 school.

5 (C) Student. "Student" means any individual admitted to or
6 applying for admission to an institution of elementary,
7 secondary, or higher education, or enrolled on a full or part
8 time basis in a course or program of academic, business or
9 vocational instruction offered by or through an institution of
10 elementary, secondary, or higher education.

11 (D) Elementary, Secondary, or Higher Education
12 Representative. "Elementary, secondary, or higher education
13 representative" means and includes the president, chancellor
14 or other holder of any executive office on the administrative
15 staff of an institution of higher education, an administrator
16 of an elementary school or secondary school, a member of the
17 faculty of an institution of higher education, including but
18 not limited to a dean or associate or assistant dean, a
19 professor or associate or assistant professor, and a full or
20 part time instructor or visiting professor, including a
21 graduate assistant or other student who is employed on a
22 temporary basis of less than full time as a teacher or
23 instructor of any course or program of academic, business or
24 vocational instruction offered by or through an institution of
25 higher education, and any teacher, instructor, or other
26 employee of an elementary school or secondary school.

1 (E) Sexual Harassment in Elementary, Secondary, and Higher
2 Education. "Sexual harassment in elementary, secondary, and
3 higher education" means any unwelcome sexual advances or
4 requests for sexual favors made by an elementary, secondary,
5 or higher education representative to a student, or any
6 conduct of a sexual nature exhibited by an elementary,
7 secondary, or higher education representative toward a
8 student, when such conduct has the purpose of substantially
9 interfering with the student's educational performance or
10 creating an intimidating, hostile or offensive educational
11 environment; or when the elementary, secondary, or higher
12 education representative either explicitly or implicitly makes
13 the student's submission to such conduct a term or condition
14 of, or uses the student's submission to or rejection of such
15 conduct as a basis for determining:

16 (1) Whether the student will be admitted to an
17 institution of elementary, secondary, or higher education;

18 (2) The educational performance required or expected
19 of the student;

20 (3) The attendance or assignment requirements
21 applicable to the student;

22 (4) To what courses, fields of study or programs,
23 including honors and graduate programs, the student will
24 be admitted;

25 (5) What placement or course proficiency requirements
26 are applicable to the student;

1 (6) The quality of instruction the student will
2 receive;

3 (7) What tuition or fee requirements are applicable to
4 the student;

5 (8) What scholarship opportunities are available to
6 the student;

7 (9) What extracurricular teams the student will be a
8 member of or in what extracurricular competitions the
9 student will participate;

10 (10) Any grade the student will receive in any
11 examination or in any course or program of instruction in
12 which the student is enrolled;

13 (11) The progress of the student toward successful
14 completion of or graduation from any course or program of
15 instruction in which the student is enrolled; or

16 (12) What degree, if any, the student will receive.

17 (F) Harassment in Elementary, Secondary, or Higher
18 Education. "Harassment in elementary, secondary, or higher
19 education" means any unwelcome conduct on the basis of an
20 individual's actual or perceived race, color, religion,
21 national origin, ancestry, age, sex, marital status, order of
22 protection status, disability, military status, sexual
23 orientation, pregnancy, unfavorable discharge from military
24 service, citizenship status, or work authorization status that
25 has the purpose or effect of substantially interfering with
26 the individual's academic performance or creating an

1 intimidating, hostile, or offensive academic environment. For
2 purposes of this definition, the phrase "academic environment"
3 is not limited to a physical location that an employee is
4 assigned to in order to perform his or her duties.

5 (Source: P.A. 96-1319, eff. 7-27-10.)

6 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

7 Sec. 5A-102. Civil Rights Violations-Elementary,
8 Secondary, and Higher Education. It is a civil rights
9 violation:

10 (A) Sexual Harassment-Elementary ~~Elementary~~, Secondary, or
11 Higher Education Representative. For any elementary,
12 secondary, or higher education representative to commit or
13 engage in sexual harassment in elementary, secondary, or
14 higher education.

15 (B) Sexual Harassment-Institution ~~Institution~~ of
16 Elementary, Secondary, or Higher Education. For any
17 institution of elementary, secondary, or higher education to
18 fail to take remedial action, or to fail to take appropriate
19 disciplinary action against an elementary, secondary, or
20 higher education representative employed by such institution,
21 when such institution knows that such elementary, secondary,
22 or higher education representative was committing or engaging
23 in or committed or engaged in sexual harassment in elementary,
24 secondary, or higher education.

25 (C) Harassment-Elementary, Secondary, or Higher Education

1 Representative. For any elementary, secondary, or higher
2 education representative to commit or engage in harassment in
3 elementary, secondary, or higher education.

4 (D) Harassment-Institution of Elementary, Secondary, or
5 Higher Education. For any institution of elementary,
6 secondary, or higher education to fail to take remedial action
7 or to fail to take appropriate disciplinary action against a
8 student or an elementary, secondary, or higher education
9 representative employed by the institution if the institution
10 knows that the student or elementary, secondary, or higher
11 education representative was committing or engaging in or
12 committed or engaged in harassment in elementary, secondary,
13 or higher education.

14 (Source: P.A. 96-574, eff. 8-18-09; 96-1319, eff. 7-27-10.)

15 (775 ILCS 5/5A-103 new)

16 Sec. 5A-103. Race-related discrimination and harassment.

17 (a) The General Assembly finds that the organizational
18 tolerance of race-related harassment and discrimination has a
19 detrimental influence in schools, contributing to
20 psychological and physical harm, substance abuse, and poorer
21 academic outcomes for students of color and higher rates of
22 teacher turnover among teachers of color. The General Assembly
23 further finds that incidents of race-related harassment and
24 discrimination have increased significantly, with students of
25 color experiencing, on average, as many as 5 incidents of

1 racism a day. It is the General Assembly's intent that each
2 institution of elementary, secondary, or higher education in
3 this State adopt and actively implement policies to reduce
4 race-related harassment and discrimination; to ensure
5 students, parents or guardians, and employees know how to
6 recognize and report harassment; and to ensure institutions
7 are safe for students, parents or guardians, and employees to
8 report race-related harassment and discrimination without fear
9 of retaliation, loss of status, or loss of opportunities.

10 (b) Each institution of elementary, secondary, or higher
11 education to which this Act applies shall establish,
12 implement, and maintain a continuing race-related
13 discrimination and harassment program that shall include all
14 of the following:

15 (1) The development of a written policy on
16 race-related discrimination and harassment that includes,
17 at a minimum, the following information:

18 (A) the illegality of unlawful discrimination and
19 of harassment in elementary, secondary, or higher
20 education;

21 (B) the definitions of unlawful discrimination and
22 of harassment in elementary, secondary, or higher
23 education under this Act;

24 (C) the illegality of criteria or methods of
25 administration that have the effect of subjecting
26 individuals to discrimination because of their race,

1 color, national origin, or gender, as described in the
2 Illinois Civil Rights Act of 2003;

3 (D) descriptions of various forms of harassment
4 and discrimination related to race, including, but not
5 limited to, microaggressions, derogatory cultural
6 appropriation, and discrimination based on disparate
7 impact, utilizing examples;

8 (E) the institution's internal complaint process,
9 including penalties;

10 (F) the legal recourse, investigative, and
11 complaint process available through the Department and
12 the Commission and through federal agencies;

13 (G) directions on how to contact the Department
14 and Commission; and

15 (H) protection against retaliation as provided in
16 Section 6-101 of this Act.

17 This policy may be included as part of a broader
18 anti-harassment or anti-discrimination policy provided it
19 is distinguished with an appropriate title, heading, or
20 label. The policy shall be reviewed annually.

21 (2) The posting, in a prominent and accessible
22 location, and distribution, in a manner to ensure notice
23 to all employees without exception, of the institution's
24 policy described in paragraph (1). Such documents may
25 meet, but shall not exceed, a sixth-grade literacy level.
26 Distribution shall be effectuated within 90 days after the

1 effective date of this amendatory Act of the 103rd General
2 Assembly and shall occur annually thereafter.

3 (3) Distribution of the institution's policy described
4 in paragraph (1) on the institution's Internet website, in
5 a student handbook if one exists, and in a posting where
6 other policies, rules, and standards of conduct are
7 posted, if applicable, periodically throughout the school
8 year to students and faculty, and an annual distribution
9 of a summary of the policy in accessible, age-appropriate
10 language to students and to the parents or guardians of
11 minor students.

12 (4) Training on the prevention of race-related
13 discrimination and harassment and the institution's policy
14 described in paragraph (1) as a component of all ongoing
15 or new employee training programs for elementary,
16 secondary, or higher education representatives. The
17 training must regard participants as potential bystanders,
18 rather than potential offenders; provide participants with
19 criteria for identifying racial harassment; and include
20 all of the elements required to be included in the policy
21 described in paragraph (1).

22 (c) In the creation and implementation of policies and
23 procedures to prevent and address race-related discrimination
24 and harassment, institutions of elementary, secondary, or
25 higher education:

26 (1) shall reduce or remove, to the extent practicable,

1 barriers to student reporting of race-related
2 discrimination and harassment in order to minimize the
3 burden on students who wish to report harassment;

4 (2) shall permit any person who reports a violation or
5 any victim of a civil rights violation to be accompanied
6 by an advisor of the person's choice when making a report
7 and in subsequent interactions with elementary, secondary,
8 or higher education representatives who are investigating
9 or taking action as a result of a report;

10 (3) shall provide a procedure for anonymous reporting;
11 however, this paragraph(3) may not be construed to permit
12 formal disciplinary action solely on the basis of an
13 anonymous report;

14 (4) shall differentiate interventions based on whether
15 the offender is a minor or an adult, on whether the
16 offender is a student or an elementary, secondary, or
17 higher education representative, and on the severity and
18 pervasiveness of the offense. For students and minors,
19 interventions may include, but are not limited to, school
20 social work services, restorative measures, schedule
21 changes or class reassignment, social-emotional skill
22 building, education about diversity or implicit bias,
23 counseling, school psychological services,
24 community-based services, suspension, or expulsion. For
25 elementary, secondary, or higher education
26 representatives, interventions may include, but are not

1 limited to, restorative measures, social-emotional skill
2 building, additional training concerning diversity or
3 implicit bias, counseling, suspension, demotion, or
4 dismissal;

5 (5) may offer a person who reports a civil rights
6 violation the option to pursue reconciliation with the
7 offender but may not require or unduly influence that
8 person to pursue such reconciliation; and

9 (6) may not cause a victim of a civil rights violation
10 to suffer adverse consequences as a result of a report of,
11 investigation of, or response to that violation,
12 including, but not limited to, being reassigned to a less
13 rigorous academic course of study, being forced to take
14 paid or unpaid leave, being demoted or denied promotion or
15 additional titles, or being otherwise disciplined. This
16 protection may not permit victims to engage in retaliation
17 against the offender or limit an institution of
18 elementary, secondary, or higher education from applying
19 disciplinary measures in response to other acts or conduct
20 not related to the process of reporting, investigating, or
21 responding to a civil rights violation.

22 (d) The Department shall produce a model race-related
23 discrimination and harassment prevention training program
24 aimed at the prevention of race-related discrimination and
25 harassment in schools. The model program shall be made
26 available to institutions of elementary, secondary, or higher

1 education and to the public online at no cost. This model
2 program shall meet the requirements of paragraph (4) of
3 subsection (b).

4 (e) Each institution of elementary, secondary, or higher
5 education shall annually submit a report to the Department
6 that includes the current policy on race-related
7 discrimination and harassment described in paragraph (1) of
8 subsection (b), the number of reports of race-related
9 discrimination and harassment received in the preceding
10 academic year; the type or types of race-related
11 discrimination and harassment included in each report as
12 described in this Act; and the outcome of each report,
13 including the response taken to address or prevent harassment,
14 if applicable. This annual report may not include any
15 information that personally identifies any individual or group
16 of individuals. The Department shall provide a standard format
17 for reporting to all institutions of elementary, secondary, or
18 higher education, which may be made in combination with the
19 reporting required for public institutions of higher education
20 under paragraph (2) of subsection (a) of Section 9.21 of the
21 Board of Higher Education Act.

22 (f) Upon notification of a failure to establish,
23 implement, or maintain a continuing race-related
24 discrimination and harassment program as set forth in
25 subsection (b), the Department may launch a preliminary
26 investigation. If the Department finds a failure to conform to

1 the requirements of subsection (b), the Department may issue a
2 notice to show cause, giving the institution 30 days to
3 correct the failure to conform. If the failure to conform is
4 not corrected, the Department may initiate a charge of a civil
5 rights violation.

6 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

7 Sec. 6-101. Additional civil rights violations under
8 Articles 2, 4, 5, and 5A. It is a civil rights violation for a
9 person, or for 2 or more persons, to conspire to:

10 (A) Retaliation. Retaliate against a person because he
11 or she has opposed that which he or she reasonably and in
12 good faith believes to be unlawful discrimination,
13 harassment, harassment in elementary, secondary, or higher
14 education, sexual harassment in employment, sexual
15 harassment in elementary, secondary, and higher education,
16 or discrimination based on arrest record, citizenship
17 status, or work authorization status in employment under
18 Articles 2, 4, 5, and 5A, because he or she has made a
19 charge, filed a complaint, testified, assisted, or
20 participated in an investigation, proceeding, or hearing
21 under this Act, or because he or she has requested,
22 attempted to request, used, or attempted to use a
23 reasonable accommodation as allowed by this Act;

24 (B) Aiding and Abetting; Coercion. Aid, abet, compel,
25 or coerce a person to commit any violation of this Act;

1 (C) Interference. Wilfully interfere with the
2 performance of a duty or the exercise of a power by the
3 Commission or one of its members or representatives or the
4 Department or one of its officers or employees.

5 Definitions. For the purposes of this Section, "sexual
6 harassment", "citizenship status", and "work authorization
7 status" shall have the same meaning as defined in Section
8 2-101 of this Act.

9 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;
10 102-813, eff. 5-13-22.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect August
19 1, 2024.

1 INDEX

2 Statutes amended in order of appearance

3 105 ILCS 5/10-20.69

4 105 ILCS 5/27-23.7

5 105 ILCS 5/27A-5

6 105 ILCS 5/34-18.62

7 775 ILCS 5/1-102 from Ch. 68, par. 1-102

8 775 ILCS 5/5A-101 from Ch. 68, par. 5A-101

9 775 ILCS 5/5A-102 from Ch. 68, par. 5A-102

10 775 ILCS 5/5A-103 new

11 775 ILCS 5/6-101 from Ch. 68, par. 6-101