



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5922

by Rep. Fred Crespo

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.173 new  
105 ILCS 5/2-3.174 new  
105 ILCS 5/10-17a from Ch. 122, par. 10-17a  
105 ILCS 5/34-18.60 new  
720 ILCS 5/11-9.6 new

Amends the School Code. Provides that, for the Chicago school district only, the State Board of Education must employ at least one full-time staff member to monitor and oversee any corrective action taken by the school district on its policy regarding reporting and addressing sexual abuse or sexual assault by a member of school personnel. Provides that the monitor may control the school district's policy and any budget actions taken by the school district in relation to sexual abuse or sexual assault prevention or reporting. Requires the State Board to hire at least 3 full-time staff members to oversee the regional office of education duties of the school district. Provides that the school district's report cards must include the number of incidents of sexual abuse or sexual assault by a member of school personnel, segregated by the types of abuse or assault. Provides that the school board must designate at least one employee at each school to receive sexual abuse or sexual assault reports from a student attending that school. Amends the Criminal Code of 2012 to create the criminal offense of sexual relations with a student by an authority figure. Effective immediately.

LRB100 22450 AXK 41338 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 Section  
5 10-17a and by adding Sections 2-3.173, 2-3.174, and 34-18.60 as  
6 follows:

7 (105 ILCS 5/2-3.173 new)

8 Sec. 2-3.173. Sexual abuse or sexual assault monitor.

9 (a) This Section applies only to a school district  
10 organized under Article 34 of this Code.

11 (b) The State Board must employ at least one full-time  
12 staff member to monitor and oversee any corrective action taken  
13 by a school district on its policy regarding reporting and  
14 addressing sexual abuse or sexual assault by a member of school  
15 personnel. The monitor may control the school district's policy  
16 and any budget actions taken by the school district in relation  
17 to sexual abuse or sexual assault prevention or reporting.

18 (105 ILCS 5/2-3.174 new)

19 Sec. 2-3.174. Support staff; Chicago. The State Board must  
20 hire at least 3 full-time staff members to oversee the regional  
21 office of education duties of the Chicago public school system.

1 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)  
2 (Text of Section before amendment by P.A. 100-448)  
3 Sec. 10-17a. State, school district, and school report  
4 cards.

5 (1) By October 31, 2013 and October 31 of each subsequent  
6 school year, the State Board of Education, through the State  
7 Superintendent of Education, shall prepare a State report card,  
8 school district report cards, and school report cards, and  
9 shall by the most economic means provide to each school  
10 district in this State, including special charter districts and  
11 districts subject to the provisions of Article 34, the report  
12 cards for the school district and each of its schools.

13 (2) In addition to any information required by federal law,  
14 the State Superintendent shall determine the indicators and  
15 presentation of the school report card, which must include, at  
16 a minimum, the most current data collected and maintained by  
17 the State Board of Education related to the following:

18 (A) school characteristics and student demographics,  
19 including average class size, average teaching experience,  
20 student racial/ethnic breakdown, and the percentage of  
21 students classified as low-income; the percentage of  
22 students classified as English learners; the percentage of  
23 students who have individualized education plans or 504  
24 plans that provide for special education services; the  
25 number and percentage of all students who have been  
26 assessed for placement in a gifted education or advanced

1 academic program and, of those students: (i) the racial and  
2 ethnic breakdown, (ii) the percentage who are classified as  
3 low-income, and (iii) the number and percentage of students  
4 who received direct instruction from a teacher who holds a  
5 gifted education endorsement and, of those students, the  
6 percentage who are classified as low-income; the  
7 percentage of students scoring at the "exceeds  
8 expectations" level on the assessments required under  
9 Section 2-3.64a-5 of this Code; the percentage of students  
10 who annually transferred in or out of the school district;  
11 the per-pupil operating expenditure of the school  
12 district; and the per-pupil State average operating  
13 expenditure for the district type (elementary, high  
14 school, or unit);

15 (B) curriculum information, including, where  
16 applicable, Advanced Placement, International  
17 Baccalaureate or equivalent courses, dual enrollment  
18 courses, foreign language classes, school personnel  
19 resources (including Career Technical Education teachers),  
20 before and after school programs, extracurricular  
21 activities, subjects in which elective classes are  
22 offered, health and wellness initiatives (including the  
23 average number of days of Physical Education per week per  
24 student), approved programs of study, awards received,  
25 community partnerships, and special programs such as  
26 programming for the gifted and talented, students with

1 disabilities, and work-study students;

2 (C) student outcomes, including, where applicable, the  
3 percentage of students deemed proficient on assessments of  
4 State standards, the percentage of students in the eighth  
5 grade who pass Algebra, the percentage of students enrolled  
6 in post-secondary institutions (including colleges,  
7 universities, community colleges, trade/vocational  
8 schools, and training programs leading to career  
9 certification within 2 semesters of high school  
10 graduation), the percentage of students graduating from  
11 high school who are college and career ready, and the  
12 percentage of graduates enrolled in community colleges,  
13 colleges, and universities who are in one or more courses  
14 that the community college, college, or university  
15 identifies as a developmental course;

16 (D) student progress, including, where applicable, the  
17 percentage of students in the ninth grade who have earned 5  
18 credits or more without failing more than one core class, a  
19 measure of students entering kindergarten ready to learn, a  
20 measure of growth, and the percentage of students who enter  
21 high school on track for college and career readiness;

22 (E) the school environment, including, where  
23 applicable, the percentage of students with less than 10  
24 absences in a school year, the percentage of teachers with  
25 less than 10 absences in a school year for reasons other  
26 than professional development, leaves taken pursuant to

1 the federal Family Medical Leave Act of 1993, long-term  
2 disability, or parental leaves, the 3-year average of the  
3 percentage of teachers returning to the school from the  
4 previous year, the number of different principals at the  
5 school in the last 6 years, the number of teachers who hold  
6 a gifted education endorsement, the process and criteria  
7 used by the district to determine whether a student is  
8 eligible for participation in a gifted education program or  
9 advanced academic program and the manner in which parents  
10 and guardians are made aware of the process and criteria, 2  
11 or more indicators from any school climate survey selected  
12 or approved by the State and administered pursuant to  
13 Section 2-3.153 of this Code, with the same or similar  
14 indicators included on school report cards for all surveys  
15 selected or approved by the State pursuant to Section  
16 2-3.153 of this Code, and the combined percentage of  
17 teachers rated as proficient or excellent in their most  
18 recent evaluation;

19 (F) a school district's and its individual schools'  
20 balanced accountability measure, in accordance with  
21 Section 2-3.25a of this Code;

22 (G) the total and per pupil normal cost amount the  
23 State contributed to the Teachers' Retirement System of the  
24 State of Illinois in the prior fiscal year for the school's  
25 employees, which shall be reported to the State Board of  
26 Education by the Teachers' Retirement System of the State

1 of Illinois; ~~and~~

2 (H) for a school district organized under Article 34 of  
3 this Code only, State contributions to the Public School  
4 Teachers' Pension and Retirement Fund of Chicago and State  
5 contributions for health care for employees of that school  
6 district;~~;~~

7 (I) ~~(G)~~ a school district's Final Percent of Adequacy,  
8 as defined in paragraph (4) of subsection (f) of Section  
9 18-8.15 of this Code;

10 (J) ~~(H)~~ a school district's Local Capacity Target, as  
11 defined in paragraph (2) of subsection (c) of Section  
12 18-8.15 of this Code, displayed as a percentage amount; ~~and~~

13 (K) ~~(I)~~ a school district's Real Receipts, as defined  
14 in paragraph (1) of subsection (d) of Section 18-8.15 of  
15 this Code, divided by a school district's Adequacy Target,  
16 as defined in paragraph (1) of subsection (b) of Section  
17 18-8.15 of this Code, displayed as a percentage amount;  
18 and~~;~~

19 (L) for a school district organized under Article 34 of  
20 this Code only, the number of incidents of sexual abuse or  
21 sexual assault by a member of school personnel, segregated  
22 by the types of abuse or assault.

23 The school report card shall also provide information that  
24 allows for comparing the current outcome, progress, and  
25 environment data to the State average, to the school data from  
26 the past 5 years, and to the outcomes, progress, and

1 environment of similar schools based on the type of school and  
2 enrollment of low-income students, special education students,  
3 and English learners.

4 As used in this subsection ~~paragraph~~ (2):

5 "Advanced academic program" means a course of study to  
6 which students are assigned based on advanced cognitive ability  
7 or advanced academic achievement compared to local age peers  
8 and in which the curriculum is substantially differentiated  
9 from the general curriculum to provide appropriate challenge  
10 and pace.

11 "Gifted education" means educational services, including  
12 differentiated curricula and instructional methods, designed  
13 to meet the needs of gifted children as defined in Article 14A  
14 of this Code.

15 (3) At the discretion of the State Superintendent, the  
16 school district report card shall include a subset of the  
17 information identified in paragraphs (A) through (E) of  
18 subsection (2) of this Section, as well as information relating  
19 to the operating expense per pupil and other finances of the  
20 school district, and the State report card shall include a  
21 subset of the information identified in paragraphs (A) through  
22 (E) of subsection (2) of this Section.

23 (4) Notwithstanding anything to the contrary in this  
24 Section, in consultation with key education stakeholders, the  
25 State Superintendent shall at any time have the discretion to  
26 amend or update any and all metrics on the school, district, or



1 State report card.

2 (5) Annually, no more than 30 calendar days after receipt  
3 of the school district and school report cards from the State  
4 Superintendent of Education, each school district, including  
5 special charter districts and districts subject to the  
6 provisions of Article 34, shall present such report cards at a  
7 regular school board meeting subject to applicable notice  
8 requirements, post the report cards on the school district's  
9 Internet web site, if the district maintains an Internet web  
10 site, make the report cards available to a newspaper of general  
11 circulation serving the district, and, upon request, send the  
12 report cards home to a parent (unless the district does not  
13 maintain an Internet web site, in which case the report card  
14 shall be sent home to parents without request). If the district  
15 posts the report card on its Internet web site, the district  
16 shall send a written notice home to parents stating (i) that  
17 the report card is available on the web site, (ii) the address  
18 of the web site, (iii) that a printed copy of the report card  
19 will be sent to parents upon request, and (iv) the telephone  
20 number that parents may call to request a printed copy of the  
21 report card.

22 (6) Nothing contained in Public Act 98-648 ~~this amendatory~~  
23 ~~Act of the 98th General Assembly~~ repeals, supersedes,  
24 invalidates, or nullifies final decisions in lawsuits pending  
25 on July 1, 2014 (the effective date of Public Act 98-648) ~~this~~  
26 ~~amendatory Act of the 98th General Assembly~~ in Illinois courts

1 involving the interpretation of Public Act 97-8.

2 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;  
3 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.  
4 1-1-18; 100-465, eff. 8-31-17; revised 9-25-17.)

5 (Text of Section after amendment by P.A. 100-448)

6 Sec. 10-17a. State, school district, and school report  
7 cards.

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9 school year, the State Board of Education, through the State  
10 Superintendent of Education, shall prepare a State report card,  
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12 shall by the most economic means provide to each school  
13 district in this State, including special charter districts and  
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15 cards for the school district and each of its schools.

16 (2) In addition to any information required by federal law,  
17 the State Superintendent shall determine the indicators and  
18 presentation of the school report card, which must include, at  
19 a minimum, the most current data collected and maintained by  
20 the State Board of Education related to the following:

21 (A) school characteristics and student demographics,  
22 including average class size, average teaching experience,  
23 student racial/ethnic breakdown, and the percentage of  
24 students classified as low-income; the percentage of  
25 students classified as English learners; the percentage of

1 students who have individualized education plans or 504  
2 plans that provide for special education services; the  
3 number and percentage of all students who have been  
4 assessed for placement in a gifted education or advanced  
5 academic program and, of those students: (i) the racial and  
6 ethnic breakdown, (ii) the percentage who are classified as  
7 low-income, and (iii) the number and percentage of students  
8 who received direct instruction from a teacher who holds a  
9 gifted education endorsement and, of those students, the  
10 percentage who are classified as low-income; the  
11 percentage of students scoring at the "exceeds  
12 expectations" level on the assessments required under  
13 Section 2-3.64a-5 of this Code; the percentage of students  
14 who annually transferred in or out of the school district;  
15 average daily attendance; the per-pupil operating  
16 expenditure of the school district; and the per-pupil State  
17 average operating expenditure for the district type  
18 (elementary, high school, or unit);

19 (B) curriculum information, including, where  
20 applicable, Advanced Placement, International  
21 Baccalaureate or equivalent courses, dual enrollment  
22 courses, foreign language classes, school personnel  
23 resources (including Career Technical Education teachers),  
24 before and after school programs, extracurricular  
25 activities, subjects in which elective classes are  
26 offered, health and wellness initiatives (including the

1 average number of days of Physical Education per week per  
2 student), approved programs of study, awards received,  
3 community partnerships, and special programs such as  
4 programming for the gifted and talented, students with  
5 disabilities, and work-study students;

6 (C) student outcomes, including, where applicable, the  
7 percentage of students deemed proficient on assessments of  
8 State standards, the percentage of students in the eighth  
9 grade who pass Algebra, the percentage of students enrolled  
10 in post-secondary institutions (including colleges,  
11 universities, community colleges, trade/vocational  
12 schools, and training programs leading to career  
13 certification within 2 semesters of high school  
14 graduation), the percentage of students graduating from  
15 high school who are college and career ready, and the  
16 percentage of graduates enrolled in community colleges,  
17 colleges, and universities who are in one or more courses  
18 that the community college, college, or university  
19 identifies as a developmental course;

20 (D) student progress, including, where applicable, the  
21 percentage of students in the ninth grade who have earned 5  
22 credits or more without failing more than one core class, a  
23 measure of students entering kindergarten ready to learn, a  
24 measure of growth, and the percentage of students who enter  
25 high school on track for college and career readiness;

26 (E) the school environment, including, where

1 applicable, the percentage of students with less than 10  
2 absences in a school year, the percentage of teachers with  
3 less than 10 absences in a school year for reasons other  
4 than professional development, leaves taken pursuant to  
5 the federal Family Medical Leave Act of 1993, long-term  
6 disability, or parental leaves, the 3-year average of the  
7 percentage of teachers returning to the school from the  
8 previous year, the number of different principals at the  
9 school in the last 6 years, the number of teachers who hold  
10 a gifted education endorsement, the process and criteria  
11 used by the district to determine whether a student is  
12 eligible for participation in a gifted education program or  
13 advanced academic program and the manner in which parents  
14 and guardians are made aware of the process and criteria, 2  
15 or more indicators from any school climate survey selected  
16 or approved by the State and administered pursuant to  
17 Section 2-3.153 of this Code, with the same or similar  
18 indicators included on school report cards for all surveys  
19 selected or approved by the State pursuant to Section  
20 2-3.153 of this Code, and the combined percentage of  
21 teachers rated as proficient or excellent in their most  
22 recent evaluation;

23 (F) a school district's and its individual schools'  
24 balanced accountability measure, in accordance with  
25 Section 2-3.25a of this Code;

26 (G) the total and per pupil normal cost amount the

1 State contributed to the Teachers' Retirement System of the  
2 State of Illinois in the prior fiscal year for the school's  
3 employees, which shall be reported to the State Board of  
4 Education by the Teachers' Retirement System of the State  
5 of Illinois; ~~and~~

6 (H) for a school district organized under Article 34 of  
7 this Code only, State contributions to the Public School  
8 Teachers' Pension and Retirement Fund of Chicago and State  
9 contributions for health care for employees of that school  
10 district;~~;~~

11 (I) ~~(G)~~ a school district's Final Percent of Adequacy,  
12 as defined in paragraph (4) of subsection (f) of Section  
13 18-8.15 of this Code;

14 (J) ~~(H)~~ a school district's Local Capacity Target, as  
15 defined in paragraph (2) of subsection (c) of Section  
16 18-8.15 of this Code, displayed as a percentage amount; ~~and~~

17 (K) ~~(I)~~ a school district's Real Receipts, as defined  
18 in paragraph (1) of subsection (d) of Section 18-8.15 of  
19 this Code, divided by a school district's Adequacy Target,  
20 as defined in paragraph (1) of subsection (b) of Section  
21 18-8.15 of this Code, displayed as a percentage amount;  
22 and~~;~~

23 (L) for a school district organized under Article 34 of  
24 this Code only, the number of incidents of sexual abuse or  
25 sexual assault by a member of school personnel, segregated  
26 by the types of abuse or assault.

1           The school report card shall also provide information that  
2 allows for comparing the current outcome, progress, and  
3 environment data to the State average, to the school data from  
4 the past 5 years, and to the outcomes, progress, and  
5 environment of similar schools based on the type of school and  
6 enrollment of low-income students, special education students,  
7 and English learners.

8           As used in this subsection ~~paragraph~~ (2):

9           "Advanced academic program" means a course of study to  
10 which students are assigned based on advanced cognitive ability  
11 or advanced academic achievement compared to local age peers  
12 and in which the curriculum is substantially differentiated  
13 from the general curriculum to provide appropriate challenge  
14 and pace.

15           "Gifted education" means educational services, including  
16 differentiated curricula and instructional methods, designed  
17 to meet the needs of gifted children as defined in Article 14A  
18 of this Code.

19           For the purposes of paragraph (A) of this subsection (2),  
20 "average daily attendance" means the average of the actual  
21 number of attendance days during the previous school year for  
22 any enrolled student who is subject to compulsory attendance by  
23 Section 26-1 of this Code at each school and charter school.

24           (3) At the discretion of the State Superintendent, the  
25 school district report card shall include a subset of the  
26 information identified in paragraphs (A) through (E) of

1 subsection (2) of this Section, as well as information relating  
2 to the operating expense per pupil and other finances of the  
3 school district, and the State report card shall include a  
4 subset of the information identified in paragraphs (A) through  
5 (E) of subsection (2) of this Section. The school district  
6 report card shall include the average daily attendance, as that  
7 term is defined in subsection (2) of this Section, of students  
8 who have individualized education programs and students who  
9 have 504 plans that provide for special education services  
10 within the school district.

11 (4) Notwithstanding anything to the contrary in this  
12 Section, in consultation with key education stakeholders, the  
13 State Superintendent shall at any time have the discretion to  
14 amend or update any and all metrics on the school, district, or  
15 State report card.

16 (5) Annually, no more than 30 calendar days after receipt  
17 of the school district and school report cards from the State  
18 Superintendent of Education, each school district, including  
19 special charter districts and districts subject to the  
20 provisions of Article 34, shall present such report cards at a  
21 regular school board meeting subject to applicable notice  
22 requirements, post the report cards on the school district's  
23 Internet web site, if the district maintains an Internet web  
24 site, make the report cards available to a newspaper of general  
25 circulation serving the district, and, upon request, send the  
26 report cards home to a parent (unless the district does not



1 maintain an Internet web site, in which case the report card  
2 shall be sent home to parents without request). If the district  
3 posts the report card on its Internet web site, the district  
4 shall send a written notice home to parents stating (i) that  
5 the report card is available on the web site, (ii) the address  
6 of the web site, (iii) that a printed copy of the report card  
7 will be sent to parents upon request, and (iv) the telephone  
8 number that parents may call to request a printed copy of the  
9 report card.

10 (6) Nothing contained in Public Act 98-648 ~~this amendatory~~  
11 ~~Act of the 98th General Assembly~~ repeals, supersedes,  
12 invalidates, or nullifies final decisions in lawsuits pending  
13 on July 1, 2014 (the effective date of Public Act 98-648) ~~this~~  
14 ~~amendatory Act of the 98th General Assembly~~ in Illinois courts  
15 involving the interpretation of Public Act 97-8.

16 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;  
17 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.  
18 1-1-18; 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; revised  
19 9-25-17.)

20 (105 ILCS 5/34-18.60 new)

21 Sec. 34-18.60. Sexual abuse or sexual assault; report. The  
22 board must designate at least one employee at each school to  
23 receive sexual abuse or sexual assault reports from a student  
24 attending that school. Any reports received by the employee  
25 must be held confidential.

1 Section 10. The Criminal Code of 2012 is amended by adding  
2 Section 11-9.6 as follows:

3 (720 ILCS 5/11-9.6 new)

4 Sec. 11-9.6. Sexual conduct or sexual relations with a  
5 student by an authority figure.

6 (a) In this Section:

7 "Authority figure" means a person 18 years of age or older  
8 who is employed by, volunteering at, or under contract with a  
9 school.

10 "School" has the meaning given to that term under Section  
11 11-9.3 of this Code.

12 "Student" means a person who is enrolled at a school.

13 (b) A person commits sexual conduct or sexual relations  
14 with a student by an authority figure when he or she is an  
15 authority figure and solicits or engages in any of the  
16 following acts with a student:

17 (1) an act of sexual penetration or sexual conduct;

18 (2) a romantic relationship; or

19 (3) lewd conduct.

20 (c) Sentence. Sexual conduct or sexual relations with a  
21 student by an authority figure is a Class 1 felony.

22 Section 95. No acceleration or delay. Where this Act makes  
23 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section  
2 represented by multiple versions), the use of that text does  
3 not accelerate or delay the taking effect of (i) the changes  
4 made by this Act or (ii) provisions derived from any other  
5 Public Act.

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