



Rep. Fred Crespo

Filed: 4/8/2019

10100HB3304ham002

LRB101 09747 AXK 59365 a

1 AMENDMENT TO HOUSE BILL 3304

2 AMENDMENT NO. _____. Amend House Bill 3304, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by adding Sections
6 10-20.69, 22-85, and 34-18.61 as follows:

7 (105 ILCS 5/10-20.69 new)

8 Sec. 10-20.69. Sexual abuse investigations at schools.
9 Each school district must adopt and implement a policy
10 addressing sexual abuse investigations at schools consistent
11 with Section 22-85.

12 (105 ILCS 5/22-85 new)

13 Sec. 22-85. Sexual abuse at schools.

14 (a) The General Assembly finds that:

15 (1) investigation of a child regarding an incident of

1 sexual abuse can induce significant trauma for the child;

2 (2) it is desirable to prevent multiple interviews of a
3 child at a school; and

4 (3) it is important to recognize the role of Children's
5 Advocacy Centers in conducting developmentally appropriate
6 investigations.

7 (b) In this Section:

8 "Alleged incident of sexual abuse" is limited to: (i) an
9 incident of sexual abuse of a child that is alleged to have
10 been perpetrated by school personnel, including a school vendor
11 or volunteer; (ii) an alleged incident of sexual abuse of a
12 child that occurred on school grounds or during a school
13 activity; or (iii) when school personnel became aware of an
14 alleged incident of sexual abuse of a child perpetrated by
15 school personnel, a school vendor, or a school volunteer that
16 occurred outside of school grounds or a school activity.

17 "Appropriate law enforcement agency" means a law
18 enforcement agency whose employees have been involved, in some
19 capacity, with an investigation of a particular alleged
20 incident of sexual abuse.

21 (c) If a mandated reporter within a school has knowledge of
22 an alleged incident of sexual abuse, the reporter must call the
23 Department of Children and Family Services' hotline
24 immediately after obtaining the minimal information necessary
25 to make a report, including the names of the affected parties
26 and the allegations. The State Board of Education must develop

1 and make available materials detailing the information that is
2 necessary to enable notification to the Department of Children
3 and Family Services of an alleged incident of sexual abuse.
4 Each school must ensure that mandated reporters review the
5 State Board of Education's materials under this subsection at
6 least once annually.

7 (d) For schools in a county with an accredited Children's
8 Advocacy Center, every alleged incident of sexual abuse that is
9 reported to the Department of Children and Family Services'
10 hotline or a law enforcement agency must be referred by the
11 entity that received the report to the local Children's
12 Advocacy Center pursuant to that county's multidisciplinary
13 team's protocol under the Children's Advocacy Center Act for
14 investigating child sexual abuse allegations.

15 (e) A county's local Children's Advocacy Center must, at a
16 minimum, do both of the following regarding a referred case of
17 an alleged incident of sexual abuse:

18 (1) Coordinate the investigation of the alleged
19 incident, as governed by the local Children's Advocacy
20 Center's existing multidisciplinary team protocol and
21 according to National Children's Alliance accreditation
22 standards.

23 (2) Facilitate communication between the
24 multidisciplinary team investigating the alleged incident
25 of sexual abuse and, if applicable, the referring school's

26 (i) Title IX officer, or his or her designee, (ii) student

1 resource officer, and (iii) investigating body. This
2 facilitation of communication must, at a minimum, ensure
3 that all applicable parties have each other's contact
4 information.

5 (f) After an alleged incident of sexual abuse is reported
6 to the Department of Children and Family Services or a law
7 enforcement agency and while the criminal and child abuse
8 investigations related to that alleged incident are being
9 conducted by the local multidisciplinary team, the school
10 relevant to the alleged incident of sexual abuse must comply
11 with both of the following:

12 (1) It may not interview the alleged victim until after
13 the completion of the forensic interview of that victim is
14 conducted at a Children's Advocacy Center.

15 (2) It must inform the multidisciplinary team
16 conducting the investigation of any and all information
17 gathered pertaining to an alleged incident of sexual abuse.

18 (g) After completion of a forensic interview, the
19 multidisciplinary team must notify the school relevant to the
20 alleged incident of sexual abuse of its completion.

21 (h) To the greatest extent possible considering student
22 safety and Title IX compliance, school personnel must view
23 electronic recordings of a forensic interview of an alleged
24 victim of an incident of sexual abuse instead of interviewing
25 the alleged victim. School personnel must be granted viewing
26 access to the electronic recording of a forensic interview

1 conducted at an accredited Children's Advocacy Center for an
2 alleged incident of sexual abuse only if the school receives
3 (i) approval from the multidisciplinary team investigating the
4 case and (ii) informed consent by a child over the age of 13 or
5 the child's parent or guardian. Each county's local Children's
6 Advocacy Center and multidisciplinary team must create a
7 protocol for the approval and viewing process. At no time may
8 the electronic recording of a forensic interview be given to a
9 school's representatives without a court's protective order.
10 The school's viewing of the electronic recording of a forensic
11 interview may be granted only if it is used as a substitute for
12 interviewing the alleged victim of sexual abuse.

13 (i) If, during the course of its internal investigation,
14 the school determines that it needs to interview the alleged
15 victim to successfully complete its investigation and the
16 victim is under 18 years of age, a child advocate must be made
17 available to the student and must be present during the
18 school's interview. A child advocate may be a school social
19 worker, a school psychologist, or a person in a position the
20 State Board of Education has identified as an appropriate
21 advocate for the student during a school's investigation into
22 an alleged incident of sexual abuse.

23 (j) The Department of Children and Family Services must
24 notify the relevant school when an agency investigation of an
25 alleged incident of sexual abuse is complete. The notification
26 must include information on the outcome of that investigation.

1 (k) The appropriate law enforcement agency must notify the
2 relevant school when an agency investigation of an alleged
3 incident of sexual abuse is complete. The notification must
4 include information on the outcome of that investigation.

5 (l) This Section applies to all schools operating under
6 this Code, including, but not limited to, public schools
7 located in cities having a population of more than 500,000, a
8 school operated pursuant to an agreement with a public school
9 district, alternative schools operated by third parties, an
10 alternative learning opportunities program, a public school
11 administered by a local public agency or the Department of
12 Human Services, charter schools operating under the authority
13 of Article 27A, and non-public schools recognized by the State
14 Board of Education.

15 (105 ILCS 5/34-18.61 new)

16 Sec. 34-18.61. Sexual abuse investigations at schools. The
17 school district must adopt and implement a policy addressing
18 sexual abuse investigations at schools consistent with Section
19 22-85.

20 Section 99. Effective date. This Act takes effect July 1,
21 2019."