



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5578

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-89 new

Amends the School Code. Prohibits an employee of a public or nonpublic elementary or secondary school from engaging in sexual contact or sexual conduct with a student who is enrolled at the school or who is a participant in a student activity sponsored by the school or the school district, unless the employee is no more than 3 years older than the student or participant and, at the time of the contact or conduct, the employee and the student or participant were in a romantic relationship that began before the employee was with the school or school district. Provides that this prohibition applies regardless of whether the student consents to the sexual contact or conduct and regardless of the student's age. Sets forth provisions concerning reporting and training. Effective immediately.

LRB101 15683 NHT 66675 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by adding Section
5 22-89 as follows:

6 (105 ILCS 5/22-89 new)

7 Sec. 22-89. Prohibited sexual conduct by school employees;
8 training.

9 (a) In this Section:

10 "Employee" means a person who is employed by, volunteering
11 at, or under contract with a school, with or without proper
12 licensure or certification, or who otherwise operates with the
13 permission of a school authority, including, but not limited
14 to, a teacher, an administrator, support staff, or a volunteer.

15 "School" means a public or nonpublic elementary or
16 secondary school.

17 "Student" means a person who is enrolled in school.

18 (b) An employee of a school is prohibited from engaging in
19 sexual contact or sexual conduct with a person the employee
20 knows, or should know, is a student at the school or is a
21 participant in a student activity sponsored by the school or
22 the school district, unless the employee is no more than 3
23 years older than the student or participant and, at the time of

1 the contact or conduct, the employee and the student or
2 participant were in a romantic relationship that began before
3 the employee was with the school or school district.

4 The prohibition under this subsection (b) applies
5 regardless of whether the student consents to the sexual
6 contact or sexual conduct and regardless of the student's age.
7 Prohibited sexual contact or sexual conduct under this
8 subsection (b) includes, but is not limited to, touching,
9 kissing, sexual intercourse, lewd conduct, or a romantic
10 relationship.

11 Each school year, a school shall include, as part of the
12 written school policy information it provides to its students
13 and the parents or guardians of its students, mention of the
14 prohibition under this subsection (b).

15 (c) A school shall allow a report of a suspected violation
16 of subsection (b) of this Section to be made anonymously by a
17 student, the parent or guardian of a student, or an employee. A
18 school shall assign one person to whom all reports of suspected
19 violations of subsection (b) of this Section are to be made.
20 That person shall ensure that all reports of suspected
21 violations of subsection (b) of this Section are filed in a
22 single location and shall forward those reports to the regional
23 superintendent of schools of the educational service region
24 where the school is located.

25 (d) A school shall provide annual training on all of the
26 following to all employees who interact with students:

1 (1) How to physically prevent a violation of subsection
2 (b) of this Section by taking measures to ensure classrooms
3 are secure and empty after students have left the school
4 building after school hours and by preventing an employee
5 and a student from being alone in a classroom, particularly
6 after school hours.

7 (2) Clearly defined examples of violations of
8 subsection (b) of this Section and the consequences for
9 violating subsection (b) of this Section and examples of
10 how a violation of subsection (b) of this Section leads to
11 sexual abuse.

12 (3) An explanation of and role-playing the necessary
13 vigilance needed to see and report suspected violations of
14 subsection (b) of this Section by not being reluctant to be
15 wrong and to cause potential harm to a colleague because
16 the alternative is being wrong and potentially harming a
17 student.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.