



Rep. Fred Crespo

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1 AMENDMENT TO SENATE BILL 456

2 AMENDMENT NO. _____. Amend Senate Bill 456 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-21.9, 10-23.12, 21B-45, 21B-75, 21B-80, 24-12, 24-14,
6 27A-5, 34-18.5, 34-18.6, and 34-85 and by adding Sections
7 10-20.69, 22-85, 22-86, and 34-18.61 as follows:

8 (105 ILCS 5/10-20.69 new)

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

13 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

14 Sec. 10-21.9. Criminal history records checks and checks of
15 the Statewide Sex Offender Database and Statewide Murderer and

1 Violent Offender Against Youth Database.

2 (a) Licensed and nonlicensed ~~Certified and noncertified~~
3 applicants for employment with a school district, except school
4 bus driver applicants, are required as a condition of
5 employment to authorize a fingerprint-based criminal history
6 records check to determine if such applicants have been
7 convicted of any disqualifying, ~~of the~~ enumerated criminal or
8 drug offenses in subsection (c) of this Section or have been
9 convicted, within 7 years of the application for employment
10 with the school district, of any other felony under the laws of
11 this State or of any offense committed or attempted in any
12 other state or against the laws of the United States that, if
13 committed or attempted in this State, would have been
14 punishable as a felony under the laws of this State.
15 Authorization for the check shall be furnished by the applicant
16 to the school district, except that if the applicant is a
17 substitute teacher seeking employment in more than one school
18 district, a teacher seeking concurrent part-time employment
19 positions with more than one school district (as a reading
20 specialist, special education teacher or otherwise), or an
21 educational support personnel employee seeking employment
22 positions with more than one district, any such district may
23 require the applicant to furnish authorization for the check to
24 the regional superintendent of the educational service region
25 in which are located the school districts in which the
26 applicant is seeking employment as a substitute or concurrent

1 part-time teacher or concurrent educational support personnel
2 employee. Upon receipt of this authorization, the school
3 district or the appropriate regional superintendent, as the
4 case may be, shall submit the applicant's name, sex, race, date
5 of birth, social security number, fingerprint images, and other
6 identifiers, as prescribed by the Department of State Police,
7 to the Department. The regional superintendent submitting the
8 requisite information to the Department of State Police shall
9 promptly notify the school districts in which the applicant is
10 seeking employment as a substitute or concurrent part-time
11 teacher or concurrent educational support personnel employee
12 that the check of the applicant has been requested. The
13 Department of State Police and the Federal Bureau of
14 Investigation shall furnish, pursuant to a fingerprint-based
15 criminal history records check, records of convictions,
16 forever and hereinafter, until expunged, to the president of
17 the school board for the school district that requested the
18 check, or to the regional superintendent who requested the
19 check. The Department shall charge the school district or the
20 appropriate regional superintendent a fee for conducting such
21 check, which fee shall be deposited in the State Police
22 Services Fund and shall not exceed the cost of the inquiry; and
23 the applicant shall not be charged a fee for such check by the
24 school district or by the regional superintendent, except that
25 those applicants seeking employment as a substitute teacher
26 with a school district may be charged a fee not to exceed the

1 cost of the inquiry. Subject to appropriations for these
2 purposes, the State Superintendent of Education shall
3 reimburse school districts and regional superintendents for
4 fees paid to obtain criminal history records checks under this
5 Section.

6 (a-5) The school district or regional superintendent shall
7 further perform a check of the Statewide Sex Offender Database,
8 as authorized by the Sex Offender Community Notification Law,
9 for each applicant. The check of the Statewide Sex Offender
10 Database must be conducted by the school district or regional
11 superintendent once for every 5 years that an applicant remains
12 employed by the school district.

13 (a-6) The school district or regional superintendent shall
14 further perform a check of the Statewide Murderer and Violent
15 Offender Against Youth Database, as authorized by the Murderer
16 and Violent Offender Against Youth Community Notification Law,
17 for each applicant. The check of the Murderer and Violent
18 Offender Against Youth Database must be conducted by the school
19 district or regional superintendent once for every 5 years that
20 an applicant remains employed by the school district.

21 (b) Any information concerning the record of convictions
22 obtained by the president of the school board or the regional
23 superintendent shall be confidential and may only be
24 transmitted to the superintendent of the school district or his
25 designee, the appropriate regional superintendent if the check
26 was requested by the school district, the presidents of the

1 appropriate school boards if the check was requested from the
2 Department of State Police by the regional superintendent, the
3 State Superintendent of Education, the State Educator
4 Preparation and Licensure ~~State Teacher Certification~~ Board,
5 any other person necessary to the decision of hiring the
6 applicant for employment, or for clarification purposes the
7 Department of State Police or Statewide Sex Offender Database,
8 or both. A copy of the record of convictions obtained from the
9 Department of State Police shall be provided to the applicant
10 for employment. Upon the check of the Statewide Sex Offender
11 Database, the school district or regional superintendent shall
12 notify an applicant as to whether or not the applicant has been
13 identified in the Database as a sex offender. If a check of an
14 applicant for employment as a substitute or concurrent
15 part-time teacher or concurrent educational support personnel
16 employee in more than one school district was requested by the
17 regional superintendent, and the Department of State Police
18 upon a check ascertains that the applicant has not been
19 convicted of any of the enumerated criminal or drug offenses in
20 subsection (c) of this Section or has not been convicted,
21 within 7 years of the application for employment with the
22 school district, of any other felony under the laws of this
23 State or of any offense committed or attempted in any other
24 state or against the laws of the United States that, if
25 committed or attempted in this State, would have been
26 punishable as a felony under the laws of this State and so

1 notifies the regional superintendent and if the regional
2 superintendent upon a check ascertains that the applicant has
3 not been identified in the Sex Offender Database as a sex
4 offender, then the regional superintendent shall issue to the
5 applicant a certificate evidencing that as of the date
6 specified by the Department of State Police the applicant has
7 not been convicted of any of the enumerated criminal or drug
8 offenses in subsection (c) of this Section or has not been
9 convicted, within 7 years of the application for employment
10 with the school district, of any other felony under the laws of
11 this State or of any offense committed or attempted in any
12 other state or against the laws of the United States that, if
13 committed or attempted in this State, would have been
14 punishable as a felony under the laws of this State and
15 evidencing that as of the date that the regional superintendent
16 conducted a check of the Statewide Sex Offender Database, the
17 applicant has not been identified in the Database as a sex
18 offender. The school board of any school district may rely on
19 the certificate issued by any regional superintendent to that
20 substitute teacher, concurrent part-time teacher, or
21 concurrent educational support personnel employee or may
22 initiate its own criminal history records check of the
23 applicant through the Department of State Police and its own
24 check of the Statewide Sex Offender Database as provided in
25 subsection (a). Any unauthorized release of confidential
26 information may be a violation of Section 7 of the Criminal

1 Identification Act.

2 (c) No school board shall knowingly employ a person who has
3 been convicted of any offense that would subject him or her to
4 license suspension or revocation pursuant to Section 21B-80 of
5 this Code, except as provided under subsection (b) of Section
6 21B-80. Further, no school board shall knowingly employ a
7 person who has been found to be the perpetrator of sexual or
8 physical abuse of any minor under 18 years of age pursuant to
9 proceedings under Article II of the Juvenile Court Act of 1987.
10 No school board shall knowingly employ a person who has been
11 issued an indicated finding of abuse or neglect of a child by
12 the Department of Children and Family Services under the Abused
13 and Neglected Child Reporting Act or by a child welfare agency
14 of another jurisdiction.

15 (d) No school board shall knowingly employ a person for
16 whom a criminal history records check and a Statewide Sex
17 Offender Database check has not been initiated.

18 (e) No later than 15 business days after receipt of a
19 record of conviction or of checking the Statewide Murderer and
20 Violent Offender Against Youth Database or the Statewide Sex
21 Offender Database and finding a registration, the
22 superintendent of the employing school board or the applicable
23 regional superintendent shall, in writing, notify the State
24 Superintendent of Education of any license holder who has been
25 convicted of a crime set forth in Section 21B-80 of this Code.
26 Upon receipt of the record of a conviction of or a finding of

1 child abuse by a holder of any license ~~certificate~~ issued
2 pursuant to Article 21B ~~21~~ or Section 34-8.1 or 34-83 of the
3 School Code, the State Superintendent of Education may initiate
4 licensure ~~certificate~~ suspension and revocation proceedings as
5 authorized by law. If the receipt of the record of conviction
6 or finding of child abuse is received within 6 months after the
7 initial grant of or renewal of a license, the State
8 Superintendent of Education may rescind the license holder's
9 license.

10 (e-5) The superintendent of the employing school board
11 shall, in writing, notify the State Superintendent of Education
12 and the applicable regional superintendent of schools of any
13 license ~~certificate~~ holder whom he or she has reasonable cause
14 to believe has committed an intentional act of abuse or neglect
15 with the result of making a child an abused child or a
16 neglected child, as defined in Section 3 of the Abused and
17 Neglected Child Reporting Act, and that act resulted in the
18 license ~~certificate~~ holder's dismissal or resignation from the
19 school district. This notification must be submitted within 30
20 days after the dismissal or resignation. The license
21 ~~certificate~~ holder must also be contemporaneously sent a copy
22 of the notice by the superintendent. All correspondence,
23 documentation, and other information so received by the
24 regional superintendent of schools, the State Superintendent
25 of Education, the State Board of Education, or the State
26 Educator Preparation and Licensure ~~State Teacher Certification~~

1 Board under this subsection (e-5) is confidential and must not
2 be disclosed to third parties, except (i) as necessary for the
3 State Superintendent of Education or his or her designee to
4 investigate and prosecute pursuant to Article 21B ~~21~~ of this
5 Code, (ii) pursuant to a court order, (iii) for disclosure to
6 the license ~~certificate~~ holder or his or her representative, or
7 (iv) as otherwise provided in this Article and provided that
8 any such information admitted into evidence in a hearing is
9 exempt from this confidentiality and non-disclosure
10 requirement. Except for an act of willful or wanton misconduct,
11 any superintendent who provides notification as required in
12 this subsection (e-5) shall have immunity from any liability,
13 whether civil or criminal or that otherwise might result by
14 reason of such action.

15 (f) After January 1, 1990 the provisions of this Section
16 shall apply to all employees of persons or firms holding
17 contracts with any school district including, but not limited
18 to, food service workers, school bus drivers and other
19 transportation employees, who have direct, daily contact with
20 the pupils of any school in such district. For purposes of
21 criminal history records checks and checks of the Statewide Sex
22 Offender Database on employees of persons or firms holding
23 contracts with more than one school district and assigned to
24 more than one school district, the regional superintendent of
25 the educational service region in which the contracting school
26 districts are located may, at the request of any such school

1 district, be responsible for receiving the authorization for a
2 criminal history records check prepared by each such employee
3 and submitting the same to the Department of State Police and
4 for conducting a check of the Statewide Sex Offender Database
5 for each employee. Any information concerning the record of
6 conviction and identification as a sex offender of any such
7 employee obtained by the regional superintendent shall be
8 promptly reported to the president of the appropriate school
9 board or school boards.

10 (f-5) Upon request of a school or school district, any
11 information obtained by a school district pursuant to
12 subsection (f) of this Section within the last year must be
13 made available to the requesting school or school district.

14 (g) Prior to the commencement of any student teaching
15 experience or required internship (which is referred to as
16 student teaching in this Section) in the public schools, a
17 student teacher is required to authorize a fingerprint-based
18 criminal history records check. Authorization for and payment
19 of the costs of the check must be furnished by the student
20 teacher to the school district where the student teaching is to
21 be completed. Upon receipt of this authorization and payment,
22 the school district shall submit the student teacher's name,
23 sex, race, date of birth, social security number, fingerprint
24 images, and other identifiers, as prescribed by the Department
25 of State Police, to the Department of State Police. The
26 Department of State Police and the Federal Bureau of

1 Investigation shall furnish, pursuant to a fingerprint-based
2 criminal history records check, records of convictions,
3 forever and hereinafter, until expunged, to the president of
4 the school board for the school district that requested the
5 check. The Department shall charge the school district a fee
6 for conducting the check, which fee must not exceed the cost of
7 the inquiry and must be deposited into the State Police
8 Services Fund. The school district shall further perform a
9 check of the Statewide Sex Offender Database, as authorized by
10 the Sex Offender Community Notification Law, and of the
11 Statewide Murderer and Violent Offender Against Youth
12 Database, as authorized by the Murderer and Violent Offender
13 Against Youth Registration Act, for each student teacher. No
14 school board may knowingly allow a person to student teach for
15 whom a criminal history records check, a Statewide Sex Offender
16 Database check, and a Statewide Murderer and Violent Offender
17 Against Youth Database check have not been completed and
18 reviewed by the district.

19 A copy of the record of convictions obtained from the
20 Department of State Police must be provided to the student
21 teacher. Any information concerning the record of convictions
22 obtained by the president of the school board is confidential
23 and may only be transmitted to the superintendent of the school
24 district or his or her designee, the State Superintendent of
25 Education, the State Educator Preparation and Licensure Board,
26 or, for clarification purposes, the Department of State Police

1 or the Statewide Sex Offender Database or Statewide Murderer
2 and Violent Offender Against Youth Database. Any unauthorized
3 release of confidential information may be a violation of
4 Section 7 of the Criminal Identification Act.

5 No school board shall ~~may~~ knowingly allow a person to
6 student teach who has been convicted of any offense that would
7 subject him or her to license suspension or revocation pursuant
8 to subsection (c) of Section 21B-80 of this Code, except as
9 provided under subsection (b) of Section 21B-80. Further, no
10 school board shall allow a person to student teach if he or she
11 ~~or who~~ has been found to be the perpetrator of sexual or
12 physical abuse of a minor under 18 years of age pursuant to
13 proceedings under Article II of the Juvenile Court Act of 1987.
14 No school board shall knowingly allow a person to student teach
15 who has been issued an indicated finding of abuse or neglect of
16 a child by the Department of Children and Family Services under
17 the Abused and Neglected Child Reporting Act or by a child
18 welfare agency of another jurisdiction.

19 (h) (Blank).

20 (Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

21 (105 ILCS 5/10-23.12) (from Ch. 122, par. 10-23.12)

22 Sec. 10-23.12. Child abuse and neglect; detection,
23 reporting, and prevention; willful or negligent failure to
24 report.

25 (a) To provide staff development for local school site

1 personnel who work with pupils in grades kindergarten through 8
2 in the detection, reporting, and prevention of child abuse and
3 neglect.

4 (b) The Department of Children and Family Services may, in
5 cooperation with school officials, distribute appropriate
6 materials in school buildings listing the toll-free telephone
7 number established in Section 7.6 of the Abused and Neglected
8 Child Reporting Act, including methods of making a report under
9 Section 7 of the Abused and Neglected Child Reporting Act, to
10 be displayed in a clearly visible location in each school
11 building.

12 (c) Except for an employee licensed under Article 21B of
13 this Code, if a school board determines that any school
14 district employee has willfully or negligently failed to report
15 an instance of suspected child abuse or neglect, as required by
16 the Abused and Neglected Child Reporting Act, then the school
17 board may dismiss that employee immediately upon that
18 determination. For purposes of this subsection (c), negligent
19 failure to report an instance of suspected child abuse or
20 neglect occurs when a school district employee personally
21 observes or learns of an instance of suspected child abuse or
22 neglect and reasonably believes, in his or her professional or
23 official capacity, that the instance constitutes an act of
24 child abuse or neglect under the Abused and Neglected Child
25 Reporting Act, and he or she, without willful intent, fails to
26 immediately report or cause a report to be made of the

1 suspected abuse or neglect to the Department of Children and
2 Family Services, as required by the Abused and Neglected Child
3 Reporting Act.

4 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

5 (105 ILCS 5/21B-45)

6 Sec. 21B-45. Professional Educator License renewal.

7 (a) Individuals holding a Professional Educator License
8 are required to complete the licensure renewal requirements as
9 specified in this Section, unless otherwise provided in this
10 Code.

11 Individuals holding a Professional Educator License shall
12 meet the renewal requirements set forth in this Section, unless
13 otherwise provided in this Code. If an individual holds a
14 license endorsed in more than one area that has different
15 renewal requirements, that individual shall follow the renewal
16 requirements for the position for which he or she spends the
17 majority of his or her time working.

18 (b) All Professional Educator Licenses not renewed as
19 provided in this Section shall lapse on September 1 of that
20 year. Notwithstanding any other provisions of this Section, if
21 a license holder's electronic mail address is available, the
22 State Board of Education shall send him or her notification
23 electronically that his or her license will lapse if not
24 renewed, to be sent no more than 6 months prior to the license
25 lapsing. Lapsed licenses may be immediately reinstated upon (i)

1 payment by the applicant of a \$500 penalty to the State Board
2 of Education or (ii) the demonstration of proficiency by
3 completing 9 semester hours of coursework from a regionally
4 accredited institution of higher education in the content area
5 that most aligns with one or more of the educator's endorsement
6 areas. Any and all back fees, including without limitation
7 registration fees owed from the time of expiration of the
8 license until the date of reinstatement, shall be paid and kept
9 in accordance with the provisions in Article 3 of this Code
10 concerning an institute fund and the provisions in Article 21B
11 of this Code concerning fees and requirements for registration.
12 Licenses not registered in accordance with Section 21B-40 of
13 this Code shall lapse after a period of 6 months from the
14 expiration of the last year of registration or on January 1 of
15 the fiscal year following initial issuance of the license. An
16 unregistered license is invalid after September 1 for
17 employment and performance of services in an Illinois public or
18 State-operated school or cooperative and in a charter school.
19 Any license or endorsement may be voluntarily surrendered by
20 the license holder. A voluntarily surrendered license, ~~except a~~
21 ~~substitute teaching license issued under Section 21B-20 of this~~
22 ~~Code,~~ shall be treated as a revoked license. An Educator
23 License with Stipulations with only a paraprofessional
24 endorsement does not lapse.

25 (c) From July 1, 2013 through June 30, 2014, in order to
26 satisfy the requirements for licensure renewal provided for in

1 this Section, each professional educator licensee with an
2 administrative endorsement who is working in a position
3 requiring such endorsement shall complete one Illinois
4 Administrators' Academy course, as described in Article 2 of
5 this Code, per fiscal year.

6 (d) Beginning July 1, 2014, in order to satisfy the
7 requirements for licensure renewal provided for in this
8 Section, each professional educator licensee may create a
9 professional development plan each year. The plan shall address
10 one or more of the endorsements that are required of his or her
11 educator position if the licensee is employed and performing
12 services in an Illinois public or State-operated school or
13 cooperative. If the licensee is employed in a charter school,
14 the plan shall address that endorsement or those endorsements
15 most closely related to his or her educator position. Licensees
16 employed and performing services in any other Illinois schools
17 may participate in the renewal requirements by adhering to the
18 same process.

19 Except as otherwise provided in this Section, the
20 licensee's professional development activities shall align
21 with one or more of the following criteria:

22 (1) activities are of a type that engage participants
23 over a sustained period of time allowing for analysis,
24 discovery, and application as they relate to student
25 learning, social or emotional achievement, or well-being;

26 (2) professional development aligns to the licensee's

1 performance;

2 (3) outcomes for the activities must relate to student
3 growth or district improvement;

4 (4) activities align to State-approved standards; and

5 (5) higher education coursework.

6 (e) For each renewal cycle, each professional educator
7 licensee shall engage in professional development activities.
8 Prior to renewal, the licensee shall enter electronically into
9 the Educator Licensure Information System (ELIS) the name,
10 date, and location of the activity, the number of professional
11 development hours, and the provider's name. The following
12 provisions shall apply concerning professional development
13 activities:

14 (1) Each licensee shall complete a total of 120 hours
15 of professional development per 5-year renewal cycle in
16 order to renew the license, except as otherwise provided in
17 this Section.

18 (2) Beginning with his or her first full 5-year cycle,
19 any licensee with an administrative endorsement who is not
20 working in a position requiring such endorsement is not
21 required to complete Illinois Administrators' Academy
22 courses, as described in Article 2 of this Code. Such
23 licensees must complete one Illinois Administrators'
24 Academy course within one year after returning to a
25 position that requires the administrative endorsement.

26 (3) Any licensee with an administrative endorsement

1 who is working in a position requiring such endorsement or
2 an individual with a Teacher Leader endorsement serving in
3 an administrative capacity at least 50% of the day shall
4 complete one Illinois Administrators' Academy course, as
5 described in Article 2 of this Code, each fiscal year in
6 addition to 100 hours of professional development per
7 5-year renewal cycle in accordance with this Code.

8 (4) Any licensee holding a current National Board for
9 Professional Teaching Standards (NBPTS) master teacher
10 designation shall complete a total of 60 hours of
11 professional development per 5-year renewal cycle in order
12 to renew the license.

13 (5) Licensees working in a position that does not
14 require educator licensure or working in a position for
15 less than 50% for any particular year are considered to be
16 exempt and shall be required to pay only the registration
17 fee in order to renew and maintain the validity of the
18 license.

19 (6) Licensees who are retired and qualify for benefits
20 from a State of Illinois retirement system shall notify the
21 State Board of Education using ELIS, and the license shall
22 be maintained in retired status. For any renewal cycle in
23 which a licensee retires during the renewal cycle, the
24 licensee must complete professional development activities
25 on a prorated basis depending on the number of years during
26 the renewal cycle the educator held an active license. If a

1 licensee retires during a renewal cycle, the licensee must
2 notify the State Board of Education using ELIS that the
3 licensee wishes to maintain the license in retired status
4 and must show proof of completion of professional
5 development activities on a prorated basis for all years of
6 that renewal cycle for which the license was active. An
7 individual with a license in retired status shall not be
8 required to complete professional development activities
9 or pay registration fees until returning to a position that
10 requires educator licensure. Upon returning to work in a
11 position that requires the Professional Educator License,
12 the licensee shall immediately pay a registration fee and
13 complete renewal requirements for that year. A license in
14 retired status cannot lapse. Beginning on January 6, 2017
15 (the effective date of Public Act 99-920) through December
16 31, 2017, any licensee who has retired and whose license
17 has lapsed for failure to renew as provided in this Section
18 may reinstate that license and maintain it in retired
19 status upon providing proof to the State Board of Education
20 using ELIS that the licensee is retired and is not working
21 in a position that requires a Professional Educator
22 License.

23 (7) For any renewal cycle in which professional
24 development hours were required, but not fulfilled, the
25 licensee shall complete any missed hours to total the
26 minimum professional development hours required in this

1 Section prior to September 1 of that year. Professional
2 development hours used to fulfill the minimum required
3 hours for a renewal cycle may be used for only one renewal
4 cycle. For any fiscal year or renewal cycle in which an
5 Illinois Administrators' Academy course was required but
6 not completed, the licensee shall complete any missed
7 Illinois Administrators' Academy courses prior to
8 September 1 of that year. The licensee may complete all
9 deficient hours and Illinois Administrators' Academy
10 courses while continuing to work in a position that
11 requires that license until September 1 of that year.

12 (8) Any licensee who has not fulfilled the professional
13 development renewal requirements set forth in this Section
14 at the end of any 5-year renewal cycle is ineligible to
15 register his or her license and may submit an appeal to the
16 State Superintendent of Education for reinstatement of the
17 license.

18 (9) If professional development opportunities were
19 unavailable to a licensee, proof that opportunities were
20 unavailable and request for an extension of time beyond
21 August 31 to complete the renewal requirements may be
22 submitted from April 1 through June 30 of that year to the
23 State Educator Preparation and Licensure Board. If an
24 extension is approved, the license shall remain valid
25 during the extension period.

26 (10) Individuals who hold exempt licenses prior to

1 December 27, 2013 (the effective date of Public Act 98-610)
2 shall commence the annual renewal process with the first
3 scheduled registration due after December 27, 2013 (the
4 effective date of Public Act 98-610).

5 (11) Notwithstanding any other provision of this
6 subsection (e), if a licensee earns more than the required
7 number of professional development hours during a renewal
8 cycle, then the licensee may carry over any hours earned
9 from April 1 through June 30 of the last year of the
10 renewal cycle. Any hours carried over in this manner must
11 be applied to the next renewal cycle. Illinois
12 Administrators' Academy courses or hours earned in those
13 courses may not be carried over.

14 (f) At the time of renewal, each licensee shall respond to
15 the required questions under penalty of perjury.

16 (f-5) The State Board of Education shall conduct random
17 audits of licensees to verify a licensee's fulfillment of the
18 professional development hours required under this Section.
19 Upon completion of a random audit, if it is determined by the
20 State Board of Education that the licensee did not complete the
21 required number of professional development hours or did not
22 provide sufficient proof of completion, the licensee shall be
23 notified that his or her license has lapsed. A license that has
24 lapsed under this subsection may be reinstated as provided in
25 subsection (b).

26 (g) The following entities shall be designated as approved

1 to provide professional development activities for the renewal
2 of Professional Educator Licenses:

3 (1) The State Board of Education.

4 (2) Regional offices of education and intermediate
5 service centers.

6 (3) Illinois professional associations representing
7 the following groups that are approved by the State
8 Superintendent of Education:

9 (A) school administrators;

10 (B) principals;

11 (C) school business officials;

12 (D) teachers, including special education
13 teachers;

14 (E) school boards;

15 (F) school districts;

16 (G) parents; and

17 (H) school service personnel.

18 (4) Regionally accredited institutions of higher
19 education that offer Illinois-approved educator
20 preparation programs and public community colleges subject
21 to the Public Community College Act.

22 (5) Illinois public school districts, charter schools
23 authorized under Article 27A of this Code, and joint
24 educational programs authorized under Article 10 of this
25 Code for the purposes of providing career and technical
26 education or special education services.

1 (6) A not-for-profit organization that, as of December
2 31, 2014 (the effective date of Public Act 98-1147), has
3 had or has a grant from or a contract with the State Board
4 of Education to provide professional development services
5 in the area of English Learning to Illinois school
6 districts, teachers, or administrators.

7 (7) State agencies, State boards, and State
8 commissions.

9 (8) Museums as defined in Section 10 of the Museum
10 Disposition of Property Act.

11 (h) Approved providers under subsection (g) of this Section
12 shall make available professional development opportunities
13 that satisfy at least one of the following:

14 (1) increase the knowledge and skills of school and
15 district leaders who guide continuous professional
16 development;

17 (2) improve the learning of students;

18 (3) organize adults into learning communities whose
19 goals are aligned with those of the school and district;

20 (4) deepen educator's content knowledge;

21 (5) provide educators with research-based
22 instructional strategies to assist students in meeting
23 rigorous academic standards;

24 (6) prepare educators to appropriately use various
25 types of classroom assessments;

26 (7) use learning strategies appropriate to the

1 intended goals;

2 (8) provide educators with the knowledge and skills to
3 collaborate; or

4 (9) prepare educators to apply research to
5 decision-making.

6 (i) Approved providers under subsection (g) of this Section
7 shall do the following:

8 (1) align professional development activities to the
9 State-approved national standards for professional
10 learning;

11 (2) meet the professional development criteria for
12 Illinois licensure renewal;

13 (3) produce a rationale for the activity that explains
14 how it aligns to State standards and identify the
15 assessment for determining the expected impact on student
16 learning or school improvement;

17 (4) maintain original documentation for completion of
18 activities;

19 (5) provide license holders with evidence of
20 completion of activities; ~~and~~

21 (6) request an Illinois Educator Identification Number
22 (IEIN) for each educator during each professional
23 development activity; and.

24 (7) beginning on July 1, 2019, register annually with
25 the State Board of Education prior to offering any
26 professional development opportunities in the current

1 fiscal year.

2 (j) The State Board of Education shall conduct annual
3 audits of a subset of approved providers, except for school
4 districts, which shall be audited by regional offices of
5 education and intermediate service centers. The State Board of
6 Education shall ensure that each approved provider, except for
7 a school district, is audited at least once every 5 years. The
8 State Board of Education may conduct more frequent audits of
9 providers if evidence suggests the requirements of this Section
10 or administrative rules are not being met. ~~The State Board of
11 Education shall complete random audits of licensees.~~

12 (1) (Blank).

13 (2) Approved providers shall comply with the
14 requirements in subsections (h) and (i) of this Section by
15 annually submitting data to the State Board of Education
16 demonstrating how the professional development activities
17 impacted one or more of the following:

18 (A) educator and student growth in regards to
19 content knowledge or skills, or both;

20 (B) educator and student social and emotional
21 growth; or

22 (C) alignment to district or school improvement
23 plans.

24 (3) The State Superintendent of Education shall review
25 the annual data collected by the State Board of Education,
26 regional offices of education, and intermediate service

1 centers in audits to determine if the approved provider has
2 met the criteria and should continue to be an approved
3 provider or if further action should be taken as provided
4 in rules.

5 (k) Registration fees shall be paid for the next renewal
6 cycle between April 1 and June 30 in the last year of each
7 5-year renewal cycle using ELIS. If all required professional
8 development hours for the renewal cycle have been completed and
9 entered by the licensee, the licensee shall pay the
10 registration fees for the next cycle using a form of credit or
11 debit card.

12 (l) Any professional educator licensee endorsed for school
13 support personnel who is employed and performing services in
14 Illinois public schools and who holds an active and current
15 professional license issued by the Department of Financial and
16 Professional Regulation or a national certification board, as
17 approved by the State Board of Education, related to the
18 endorsement areas on the Professional Educator License shall be
19 deemed to have satisfied the continuing professional
20 development requirements provided for in this Section. Such
21 individuals shall be required to pay only registration fees to
22 renew the Professional Educator License. An individual who does
23 not hold a license issued by the Department of Financial and
24 Professional Regulation shall complete professional
25 development requirements for the renewal of a Professional
26 Educator License provided for in this Section.

1 (m) Appeals to the State Educator Preparation and Licensure
2 Board must be made within 30 days after receipt of notice from
3 the State Superintendent of Education that a license will not
4 be renewed based upon failure to complete the requirements of
5 this Section. A licensee may appeal that decision to the State
6 Educator Preparation and Licensure Board in a manner prescribed
7 by rule.

8 (1) Each appeal shall state the reasons why the State
9 Superintendent's decision should be reversed and shall be
10 sent by certified mail, return receipt requested, to the
11 State Board of Education.

12 (2) The State Educator Preparation and Licensure Board
13 shall review each appeal regarding renewal of a license
14 within 90 days after receiving the appeal in order to
15 determine whether the licensee has met the requirements of
16 this Section. The State Educator Preparation and Licensure
17 Board may hold an appeal hearing or may make its
18 determination based upon the record of review, which shall
19 consist of the following:

20 (A) the regional superintendent of education's
21 rationale for recommending nonrenewal of the license,
22 if applicable;

23 (B) any evidence submitted to the State
24 Superintendent along with the individual's electronic
25 statement of assurance for renewal; and

26 (C) the State Superintendent's rationale for

1 nonrenewal of the license.

2 (3) The State Educator Preparation and Licensure Board
3 shall notify the licensee of its decision regarding license
4 renewal by certified mail, return receipt requested, no
5 later than 30 days after reaching a decision. Upon receipt
6 of notification of renewal, the licensee, using ELIS, shall
7 pay the applicable registration fee for the next cycle
8 using a form of credit or debit card.

9 (n) The State Board of Education may adopt rules as may be
10 necessary to implement this Section.

11 (Source: P.A. 99-58, eff. 7-16-15; 99-130, eff. 7-24-15;
12 99-591, eff. 1-1-17; 99-642, eff. 7-28-16; 99-920, eff. 1-6-17;
13 100-13, eff. 7-1-17; 100-339, eff. 8-25-17; 100-596, eff.
14 7-1-18; 100-863, eff. 8-14-18.)

15 (105 ILCS 5/21B-75)

16 Sec. 21B-75. Suspension or revocation of license.

17 (a) As used in this Section, "teacher" means any school
18 district employee regularly required to be licensed, as
19 provided in this Article, in order to teach or supervise in the
20 public schools.

21 (b) Except as provided under subsection (b-5), the ~~The~~
22 State Superintendent of Education has the exclusive authority,
23 in accordance with this Section and any rules adopted by the
24 State Board of Education, in consultation with the State
25 Educator Preparation and Licensure Board, to initiate the

1 suspension of up to 5 calendar years or revocation of any
2 license issued pursuant to this Article for abuse or neglect of
3 a child, immorality, a condition of health detrimental to the
4 welfare of pupils, incompetency, unprofessional conduct (which
5 includes the failure to disclose on an employment application
6 any previous conviction for a sex offense, as defined in
7 Section 21B-80 of this Code, or any other offense committed in
8 any other state or against the laws of the United States that,
9 if committed in this State, would be punishable as a sex
10 offense, as defined in Section 21B-80 of this Code), the
11 neglect of any professional duty, willful or negligent failure
12 to report an instance of suspected child abuse or neglect as
13 required by the Abused and Neglected Child Reporting Act, or
14 other just cause. Negligent failure to report an instance of
15 suspected child abuse or neglect occurs when a teacher
16 personally observes or learns of an instance of suspected child
17 abuse or neglect and reasonably believes, in his or her
18 professional or official capacity, that the instance
19 constitutes an act of child abuse or neglect under the Abused
20 and Neglected Child Reporting Act, and he or she, without
21 willful intent, fails to immediately report or cause a report
22 to be made of the suspected abuse or neglect to the Department
23 of Children and Family Services, as required by the Abused and
24 Neglected Child Reporting Act. Unprofessional conduct shall
25 include the refusal to attend or participate in institutes,
26 teachers' meetings, or professional readings or to meet other

1 reasonable requirements of the regional superintendent of
2 schools or State Superintendent of Education. Unprofessional
3 conduct also includes conduct that violates the standards,
4 ethics, or rules applicable to the security, administration,
5 monitoring, or scoring of or the reporting of scores from any
6 assessment test or examination administered under Section
7 2-3.64a-5 of this Code or that is known or intended to produce
8 or report manipulated or artificial, rather than actual,
9 assessment or achievement results or gains from the
10 administration of those tests or examinations. Unprofessional
11 conduct shall also include neglect or unnecessary delay in the
12 making of statistical and other reports required by school
13 officers. Incompetency shall include, without limitation, 2 or
14 more school terms of service for which the license holder has
15 received an unsatisfactory rating on a performance evaluation
16 conducted pursuant to Article 24A of this Code within a period
17 of 7 school terms of service. In determining whether to
18 initiate action against one or more licenses based on
19 incompetency and the recommended sanction for such action, the
20 State Superintendent shall consider factors that include
21 without limitation all of the following:

22 (1) Whether the unsatisfactory evaluation ratings
23 occurred prior to June 13, 2011 (the effective date of
24 Public Act 97-8).

25 (2) Whether the unsatisfactory evaluation ratings
26 occurred prior to or after the implementation date, as

1 defined in Section 24A-2.5 of this Code, of an evaluation
2 system for teachers in a school district.

3 (3) Whether the evaluator or evaluators who performed
4 an unsatisfactory evaluation met the pre-licensure and
5 training requirements set forth in Section 24A-3 of this
6 Code.

7 (4) The time between the unsatisfactory evaluation
8 ratings.

9 (5) The quality of the remediation plans associated
10 with the unsatisfactory evaluation ratings and whether the
11 license holder successfully completed the remediation
12 plans.

13 (6) Whether the unsatisfactory evaluation ratings were
14 related to the same or different assignments performed by
15 the license holder.

16 (7) Whether one or more of the unsatisfactory
17 evaluation ratings occurred in the first year of a teaching
18 or administrative assignment.

19 When initiating an action against one or more licenses, the
20 State Superintendent may seek required professional
21 development as a sanction in lieu of or in addition to
22 suspension or revocation. Any such required professional
23 development must be at the expense of the license holder, who
24 may use, if available and applicable to the requirements
25 established by administrative or court order, training,
26 coursework, or other professional development funds in

1 accordance with the terms of an applicable collective
2 bargaining agreement entered into after June 13, 2011 (the
3 effective date of Public Act 97-8), unless that agreement
4 specifically precludes use of funds for such purpose.

5 (b-5) If an individual is dismissed under Section 24-12 or
6 34-85 or under the Illinois Educational Labor Relations Act for
7 committing a physical or sexual act on a student, the State
8 Superintendent of Education shall immediately suspend, pending
9 revocation, any license issued to that individual under this
10 Article. The State Superintendent of Education shall serve the
11 individual written notice and afford him or her the opportunity
12 for a hearing on the proposed revocation.

13 (c) Except as provided under subsection (b-5), the ~~The~~
14 State Superintendent of Education shall, upon receipt of
15 evidence of abuse or neglect of a child, immorality, a
16 condition of health detrimental to the welfare of pupils,
17 incompetency (subject to subsection (b) of this Section),
18 unprofessional conduct, the neglect of any professional duty,
19 or other just cause, further investigate and, if and as
20 appropriate, serve written notice to the individual and afford
21 the individual opportunity for a hearing prior to suspension,
22 revocation, or other sanction; provided that the State
23 Superintendent is under no obligation to initiate such an
24 investigation if the Department of Children and Family Services
25 is investigating the same or substantially similar allegations
26 and its child protective service unit has not made its

1 determination, as required under Section 7.12 of the Abused and
2 Neglected Child Reporting Act. If the State Superintendent of
3 Education does not receive from an individual a request for a
4 hearing within 10 days after the individual receives notice,
5 the suspension, revocation, or other sanction shall
6 immediately take effect in accordance with the notice. If a
7 hearing is requested within 10 days after notice of an
8 opportunity for hearing, it shall act as a stay of proceedings
9 until the State Educator Preparation and Licensure Board issues
10 a decision. Any hearing shall take place in the educational
11 service region where the educator is or was last employed and
12 in accordance with rules adopted by the State Board of
13 Education, in consultation with the State Educator Preparation
14 and Licensure Board, and such rules shall include without
15 limitation provisions for discovery and the sharing of
16 information between parties prior to the hearing. The standard
17 of proof for any administrative hearing held pursuant to this
18 Section shall be by the preponderance of the evidence. The
19 decision of the State Educator Preparation and Licensure Board
20 is a final administrative decision and is subject to judicial
21 review by appeal of either party.

22 The State Board of Education may refuse to issue or may
23 suspend the license of any person who fails to file a return or
24 to pay the tax, penalty, or interest shown in a filed return or
25 to pay any final assessment of tax, penalty, or interest, as
26 required by any tax Act administered by the Department of

1 Revenue, until such time as the requirements of any such tax
2 Act are satisfied.

3 The exclusive authority of the State Superintendent of
4 Education to initiate suspension or revocation of a license
5 pursuant to this Section does not preclude a regional
6 superintendent of schools from cooperating with the State
7 Superintendent or a State's Attorney with respect to an
8 investigation of alleged misconduct.

9 (d) The State Superintendent of Education or his or her
10 designee may initiate and conduct such investigations as may be
11 reasonably necessary to establish the existence of any alleged
12 misconduct. At any stage of the investigation, the State
13 Superintendent may issue a subpoena requiring the attendance
14 and testimony of a witness, including the license holder, and
15 the production of any evidence, including files, records,
16 correspondence, or documents, relating to any matter in
17 question in the investigation. The subpoena shall require a
18 witness to appear at the State Board of Education at a
19 specified date and time and shall specify any evidence to be
20 produced. The license holder is not entitled to be present, but
21 the State Superintendent shall provide the license holder with
22 a copy of any recorded testimony prior to a hearing under this
23 Section. Such recorded testimony must not be used as evidence
24 at a hearing, unless the license holder has adequate notice of
25 the testimony and the opportunity to cross-examine the witness.
26 Failure of a license holder to comply with a duly issued,

1 investigatory subpoena may be grounds for revocation,
2 suspension, or denial of a license.

3 (e) All correspondence, documentation, and other
4 information so received by the regional superintendent of
5 schools, the State Superintendent of Education, the State Board
6 of Education, or the State Educator Preparation and Licensure
7 Board under this Section is confidential and must not be
8 disclosed to third parties, except (i) as necessary for the
9 State Superintendent of Education or his or her designee to
10 investigate and prosecute pursuant to this Article, (ii)
11 pursuant to a court order, (iii) for disclosure to the license
12 holder or his or her representative, or (iv) as otherwise
13 required in this Article and provided that any such information
14 admitted into evidence in a hearing is exempt from this
15 confidentiality and non-disclosure requirement.

16 (f) The State Superintendent of Education or a person
17 designated by him or her shall have the power to administer
18 oaths to witnesses at any hearing conducted before the State
19 Educator Preparation and Licensure Board pursuant to this
20 Section. The State Superintendent of Education or a person
21 designated by him or her is authorized to subpoena and bring
22 before the State Educator Preparation and Licensure Board any
23 person in this State and to take testimony either orally or by
24 deposition or by exhibit, with the same fees and mileage and in
25 the same manner as prescribed by law in judicial proceedings in
26 civil cases in circuit courts of this State.

1 (g) Any circuit court, upon the application of the State
2 Superintendent of Education or the license holder, may, by
3 order duly entered, require the attendance of witnesses and the
4 production of relevant books and papers as part of any
5 investigation or at any hearing the State Educator Preparation
6 and Licensure Board is authorized to conduct pursuant to this
7 Section, and the court may compel obedience to its orders by
8 proceedings for contempt.

9 (h) The State Board of Education shall receive an annual
10 line item appropriation to cover fees associated with the
11 investigation and prosecution of alleged educator misconduct
12 and hearings related thereto.

13 (Source: P.A. 100-872, eff. 8-14-18.)

14 (105 ILCS 5/21B-80)

15 Sec. 21B-80. Conviction of certain offenses as grounds for
16 disqualification for licensure or suspension or revocation of a
17 license.

18 (a) As used in this Section:

19 "Drug offense" means any one or more of the following
20 offenses:

21 (1) Any offense defined in the Cannabis Control Act,
22 except those defined in subdivisions (a), (b), and (c) of
23 Section 4 and subdivisions (a) and (b) of Section 5 of the
24 Cannabis Control Act and any offense for which the holder
25 of a license is placed on probation under the provisions of

1 Section 10 of the Cannabis Control Act, provided that if
2 the terms and conditions of probation required by the court
3 are not fulfilled, the offense is not eligible for this
4 exception.

5 (2) Any offense defined in the Illinois Controlled
6 Substances Act, except any offense for which the holder of
7 a license is placed on probation under the provisions of
8 Section 410 of the Illinois Controlled Substances Act,
9 provided that if the terms and conditions of probation
10 required by the court are not fulfilled, the offense is not
11 eligible for this exception.

12 (3) Any offense defined in the Methamphetamine Control
13 and Community Protection Act, except any offense for which
14 the holder of a license is placed on probation under the
15 provision of Section 70 of that Act, provided that if the
16 terms and conditions of probation required by the court are
17 not fulfilled, the offense is not eligible for this
18 exception.

19 (4) Any attempt to commit any of the offenses listed in
20 items (1) through (3) of this definition.

21 (5) Any offense committed or attempted in any other
22 state or against the laws of the United States that, if
23 committed or attempted in this State, would have been
24 punishable as one or more of the offenses listed in items
25 (1) through (4) of this definition.

26 The changes made by Public Act 96-431 to this definition are

1 declaratory of existing law.

2 "Sentence" includes any period of supervised release
3 ~~supervision~~ or probation that was imposed either alone or in
4 combination with a period of incarceration.

5 "Sex or other offense" means any one or more of the
6 following offenses:

7 (A) Any offense defined in Sections 11-6, 11-9 through
8 11-9.5, inclusive, and 11-30 (if punished as a Class 4
9 felony) of the Criminal Code of 1961 or the Criminal Code
10 of 2012; Sections 11-14.1 through 11-21, inclusive, of the
11 Criminal Code of 1961 or the Criminal Code of 2012;
12 Sections 11-23 (if punished as a Class 3 felony), 11-24,
13 11-25, and 11-26 of the Criminal Code of 1961 or the
14 Criminal Code of 2012; Section 10-5.1, subsection (c) of
15 Section 10-9, and Sections 11-6.6, 11-11, 12-3.05, 12-3.3,
16 12-6.4, 12-7.1, 12-34, 12-34.5, and 12-35 of the Criminal
17 Code of 2012; and Sections 11-1.20, 11-1.30, 11-1.40,
18 11-1.50, 11-1.60, ~~12-4.9,~~ 12-13, 12-14, 12-14.1, 12-15,
19 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant
20 to subdivision (4) or (5) of subsection (d) of Section
21 26-4) of the Criminal Code of 1961 or the Criminal Code of
22 2012.

23 (B) Any attempt to commit any of the offenses listed in
24 item (A) of this definition.

25 (C) Any offense committed or attempted in any other
26 state that, if committed or attempted in this State, would

1 have been punishable as one or more of the offenses listed
2 in items (A) and (B) of this definition.

3 (b) Whenever the holder of any license issued pursuant to
4 this Article or applicant for a license to be issued pursuant
5 to this Article has been convicted of any drug offense, other
6 than as provided in subsection (c) of this Section, the State
7 Superintendent of Education shall forthwith suspend the
8 license or deny the application, whichever is applicable, until
9 7 years following the end of the sentence for the criminal
10 offense. If the conviction is reversed and the holder is
11 acquitted of the offense in a new trial or the charges against
12 him or her are dismissed, the State Superintendent of Education
13 shall forthwith terminate the suspension of the license.

14 (b-5) Whenever the holder of a license issued pursuant to
15 this Article or applicant for a license to be issued pursuant
16 to this Article has been charged with attempting to commit,
17 conspiring to commit, soliciting, or committing any sex or
18 other offense, as enumerated under item (A) of subsection (a),
19 first degree murder, or a Class X felony or any offense
20 committed or attempted in any other state or against the laws
21 of the United States that, if committed or attempted in this
22 State, would have been punishable as one or more of the
23 foregoing offenses, the State Superintendent of Education
24 shall immediately suspend the license or deny the application
25 until the person's criminal charges are adjudicated through a
26 court of competent jurisdiction. If the person is acquitted,

1 his or her license or application shall be immediately
2 reinstated.

3 (c) Whenever the holder of a license issued pursuant to
4 this Article or applicant for a license to be issued pursuant
5 to this Article has been convicted of attempting to commit,
6 conspiring to commit, soliciting, or committing any sex or
7 other offense, as enumerated under item (A) of subsection (a),
8 first degree murder, or a Class X felony or any offense
9 committed or attempted in any other state or against the laws
10 of the United States that, if committed or attempted in this
11 State, would have been punishable as one or more of the
12 foregoing offenses, the State Superintendent of Education
13 shall forthwith suspend the license or deny the application,
14 whichever is applicable. If the conviction is reversed and the
15 holder is acquitted of that offense in a new trial or the
16 charges that he or she committed that offense are dismissed,
17 the State Superintendent of Education shall forthwith
18 terminate the suspension of the license. When the conviction
19 becomes final, the State Superintendent of Education shall
20 forthwith revoke the license.

21 (Source: P.A. 99-58, eff. 7-16-15; 99-667, eff. 7-29-16.)

22 (105 ILCS 5/22-85 new)

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

24 (a) The General Assembly finds that:

25 (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 established under Section 7.6 of the Abused and Neglected Child
25 Reporting Act immediately after obtaining the minimal
26 information necessary to make a report, including the names of

1 the affected parties and the allegations. The State Board of
2 Education must develop and make available materials detailing
3 the information that is necessary to enable notification to the
4 Department of Children and Family Services of an alleged
5 incident of sexual abuse. Each school must ensure that mandated
6 reporters review the State Board of Education's materials and
7 materials developed by the Department of Children and Family
8 Services and distributed in the school building under Section 7
9 of the Abused and Neglected Child Reporting Act at least once
10 annually.

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

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

23 (1) Coordinate the investigation of the alleged
24 incident, as governed by the local Children's Advocacy
25 Center's existing multidisciplinary team protocol and
26 according to National Children's Alliance accreditation

1 standards.

2 (2) Facilitate communication between the
3 multidisciplinary team investigating the alleged incident
4 of sexual abuse and, if applicable, the referring school's
5 (i) Title IX officer, or his or her designee, (ii) school
6 resource officer, (iii) personnel leading the school's
7 investigation into the alleged incident of sexual abuse, or
8 (iv) investigating body. If a school uses a designated
9 entity to investigate a sexual abuse allegation, the
10 multidisciplinary team may correspond only with that
11 entity and any reference in this Section to "school" refers
12 to that designated entity. This facilitation of
13 communication must, at a minimum, ensure that all
14 applicable parties have each other's contact information
15 and must share the county's local Children's Advocacy
16 Center's protocol regarding the process of approving the
17 viewing of forensic interviews by school personnel and a
18 contact person for questions relating to the protocol.

19 (f) After an alleged incident of sexual abuse is accepted
20 for investigation by the Department of Children and Family
21 Services or a law enforcement agency and while the criminal and
22 child abuse investigations related to that alleged incident are
23 being conducted by the local multidisciplinary team, the school
24 relevant to the alleged incident of sexual abuse must comply
25 with both of the following:

26 (1) It may not interview the alleged victim until after

1 the completion of the forensic interview of that victim is
2 conducted at a Children's Advocacy Center.

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

6 (g) After completion of a forensic interview, the
7 multidisciplinary team must notify the school relevant to the
8 alleged incident of sexual abuse of its completion. If, for any
9 reason, a multidisciplinary team determines it will not conduct
10 a forensic interview in a specific investigation, the
11 multidisciplinary team must notify the school as soon as the
12 determination is made. If a forensic interview has not been
13 conducted within 30 days after opening an investigation, the
14 school may notify the multidisciplinary team that it intends to
15 interview the alleged victim. No later than 15 days after this
16 notification, the multidisciplinary team may conduct the
17 forensic interview and, if the multidisciplinary does not
18 conduct the interview, the school may proceed with its
19 interview.

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

1 alleged incident of sexual abuse only if the school receives
2 (i) approval from the multidisciplinary team investigating the
3 case and (ii) informed consent by a child over the age of 13 or
4 the child's parent or guardian. Each county's local Children's
5 Advocacy Center and multidisciplinary team must establish an
6 internal protocol regarding the process of approving the
7 viewing of the forensic interview, and this process and the
8 contact person must be shared with the school contact at the
9 time of the initial facilitation. Whenever possible, the
10 school's viewing of the electronic recording of a forensic
11 interview should be conducted in lieu of the need for
12 additional interviews.

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

26 (j) The Department of Children and Family Services must

1 notify the relevant school when an agency investigation of an
2 alleged incident of sexual abuse is complete. The notification
3 must include information on the outcome of that investigation.

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

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

18 (105 ILCS 5/22-86 new)

19 Sec. 22-86. Make Sexual and Severe Physical Abuse Fully
20 Extinct (Make S.A.F.E.) Task Force.

21 (a) The General Assembly finds that the most precious
22 resource in this State is our children. The General Assembly
23 also finds that the protection of children from sexual abuse
24 and exploitation is at the core of the duties and fundamental
25 responsibilities of the General Assembly and is of the utmost

1 importance.

2 (b) The Make Sexual and Severe Physical Abuse Fully Extinct
3 (Make S.A.F.E.) Task Force is created to address issues
4 concerning the sexual abuse of students in school-related
5 settings. The Task Force shall consist of all of the following
6 members, who must be appointed no later than 60 days after the
7 effective date of this amendatory Act of the 101st General
8 Assembly:

9 (1) One representative appointed by the Speaker of the
10 House of Representatives.

11 (2) One representative appointed by the Minority
12 Leader of the House of Representatives.

13 (3) One senator appointed by the President of the
14 Senate.

15 (4) One senator appointed by the Minority Leader of the
16 Senate.

17 (5) One member who represents the Children's Advocacy
18 Centers of Illinois appointed by the State Superintendent
19 of Education.

20 (6) The Executive Director of an urban, accredited
21 Children's Advocacy Center appointed by the State
22 Superintendent of Education.

23 (7) The Executive Director of a suburban, accredited
24 Children's Advocacy Center appointed by the State
25 Superintendent of Education.

26 (8) The Executive Director of a rural, accredited

1 Children's Advocacy Center appointed by the State
2 Superintendent of Education.

3 (9) One representative of the State Board of Education
4 appointed by the State Superintendent of Education.

5 (10) One member representing a State's Attorney's
6 office appointed by the State Superintendent of Education.

7 (11) One member representing a statewide organization
8 that unites the services and resources of rape crisis
9 centers, alleviates the suffering of sexual assault
10 survivors, and helps build communities appointed by the
11 State Superintendent of Education.

12 (12) One member representing the Department of State
13 Police appointed by the State Superintendent of Education.

14 (13) One member representing the Department of
15 Children and Family Services appointed by the State
16 Superintendent of Education.

17 (14) One member representing the Office of the Attorney
18 General appointed by the State Superintendent of
19 Education.

20 (15) One member representing a statewide organization
21 representing suburban school districts appointed by the
22 State Superintendent of Education.

23 (16) One member representing a statewide professional
24 teachers' organization appointed by the State
25 Superintendent of Education.

26 (17) One member representing a different statewide

1 professional teachers' organization appointed by the State
2 Superintendent of Education.

3 (18) One member representing a professional teachers'
4 organization in a city having a population of over 500,000
5 appointed by the State Superintendent of Education.

6 (19) One member representing a school district
7 organized under Article 34 appointed by the State
8 Superintendent of Education.

9 (20) One member representing the investigating body of
10 a school district organized under Article 34 appointed by
11 the State Superintendent of Education.

12 (21) One member representing a statewide organization
13 that represents social workers appointed by the State
14 Superintendent of Education.

15 (22) One member representing a charter schools'
16 organization in this State appointed by the State
17 Superintendent of Education.

18 (23) One member representing a statewide organization
19 that represents principals appointed by the State
20 Superintendent of Education.

21 (24) One member representing a statewide organization
22 that represents superintendents appointed by the State
23 Superintendent of Education.

24 (25) One member representing a statewide organization
25 that represents school boards appointed by the State
26 Superintendent of Education.

1 (c) The Task Force shall first meet at the call of the
2 State Superintendent of Education, and each subsequent meeting
3 shall be at the call of the Chairperson, who shall be
4 designated by the State Superintendent of Education. The State
5 Board of Education shall provide administrative and other
6 support to the Task Force. Members of the Task Force shall
7 serve without compensation.

8 (d) The Task Force shall review the best practices for
9 preventing the sexual abuse of students in a school-related
10 setting or by school-related perpetrators, including school
11 district employees or other students, how to best address that
12 abuse, and the proper support for students who have suffered
13 from that abuse. The review shall examine the best practices at
14 all schools maintaining prekindergarten through grade 12,
15 regardless of whether the school is a public school, nonpublic
16 school, or charter school. On or before September 15, 2020, the
17 Task Force must report the findings of its review to the
18 Governor and the General Assembly, which must, at a minimum,
19 include all of the following topics:

20 (1) The best practices for preventing sexual and severe
21 physical abuse in school-related settings or by
22 school-related perpetrators, including, but not limited
23 to, criminal history records checks for school district
24 employees, the employment status of a school employee
25 accused of sexual abuse of a student, and procedural
26 safeguards for personnel who regularly interact with

1 children as part of school or school activities, even if
2 the personnel are not officially employed by a school
3 district.

4 (2) The best practices for addressing sexual and severe
5 physical abuse in a school-related setting or by
6 school-related perpetrators, including, but not limited
7 to, the nature and amount of forensic interviews and
8 forensic interview information sharing, school cooperation
9 with multidisciplinary teams under the Children's Advocacy
10 Center Act, and model school policies.

11 (3) The best practices for support for students who
12 have suffered sexual or severe physical abuse in a
13 school-related setting or by a school-related perpetrator,
14 including, but not limited to, emotional, psychological,
15 and academic support.

16 (4) Any other topic the Task Force deems necessary to
17 advance the safety or well-being of students in relation to
18 sexual and severe physical abuse stemming from a
19 school-related setting or school-related perpetrator.

20 The Task Force is dissolved upon submission of the report
21 under this subsection.

22 (e) This Section is repealed on March 15, 2021.

23 (105 ILCS 5/24-12) (from Ch. 122, par. 24-12)

24 Sec. 24-12. Removal or dismissal of teachers in contractual
25 continued service.

1 (a) This subsection (a) applies only to honorable
2 dismissals and recalls in which the notice of dismissal is
3 provided on or before the end of the 2010-2011 school term. If
4 a teacher in contractual continued service is removed or
5 dismissed as a result of a decision of the board to decrease
6 the number of teachers employed by the board or to discontinue
7 some particular type of teaching service, written notice shall
8 be mailed to the teacher and also given the teacher either by
9 certified mail, return receipt requested or personal delivery
10 with receipt at least 60 days before the end of the school
11 term, together with a statement of honorable dismissal and the
12 reason therefor, and in all such cases the board shall first
13 remove or dismiss all teachers who have not entered upon
14 contractual continued service before removing or dismissing
15 any teacher who has entered upon contractual continued service
16 and who is legally qualified to hold a position currently held
17 by a teacher who has not entered upon contractual continued
18 service.

19 As between teachers who have entered upon contractual
20 continued service, the teacher or teachers with the shorter
21 length of continuing service with the district shall be
22 dismissed first unless an alternative method of determining the
23 sequence of dismissal is established in a collective bargaining
24 agreement or contract between the board and a professional
25 faculty members' organization and except that this provision
26 shall not impair the operation of any affirmative action

1 program in the district, regardless of whether it exists by
2 operation of law or is conducted on a voluntary basis by the
3 board. Any teacher dismissed as a result of such decrease or
4 discontinuance shall be paid all earned compensation on or
5 before the third business day following the last day of pupil
6 attendance in the regular school term.

7 If the board has any vacancies for the following school
8 term or within one calendar year from the beginning of the
9 following school term, the positions thereby becoming
10 available shall be tendered to the teachers so removed or
11 dismissed so far as they are legally qualified to hold such
12 positions; provided, however, that if the number of honorable
13 dismissal notices based on economic necessity exceeds 15% of
14 the number of full-time ~~full-time~~ equivalent positions filled
15 by certified employees (excluding principals and
16 administrative personnel) during the preceding school year,
17 then if the board has any vacancies for the following school
18 term or within 2 calendar years from the beginning of the
19 following school term, the positions so becoming available
20 shall be tendered to the teachers who were so notified and
21 removed or dismissed whenever they are legally qualified to
22 hold such positions. Each board shall, in consultation with any
23 exclusive employee representatives, each year establish a
24 list, categorized by positions, showing the length of
25 continuing service of each teacher who is qualified to hold any
26 such positions, unless an alternative method of determining a

1 sequence of dismissal is established as provided for in this
2 Section, in which case a list shall be made in accordance with
3 the alternative method. Copies of the list shall be distributed
4 to the exclusive employee representative on or before February
5 1 of each year. Whenever the number of honorable dismissal
6 notices based upon economic necessity exceeds 5, or 150% of the
7 average number of teachers honorably dismissed in the preceding
8 3 years, whichever is more, then the board also shall hold a
9 public hearing on the question of the dismissals. Following the
10 hearing and board review, the action to approve any such
11 reduction shall require a majority vote of the board members.

12 (b) This subsection (b) applies only to honorable
13 dismissals and recalls in which the notice of dismissal is
14 provided during the 2011-2012 school term or a subsequent
15 school term. If any teacher, whether or not in contractual
16 continued service, is removed or dismissed as a result of a
17 decision of a school board to decrease the number of teachers
18 employed by the board, a decision of a school board to
19 discontinue some particular type of teaching service, or a
20 reduction in the number of programs or positions in a special
21 education joint agreement, then written notice must be mailed
22 to the teacher and also given to the teacher either by
23 certified mail, return receipt requested, or personal delivery
24 with receipt at least 45 days before the end of the school
25 term, together with a statement of honorable dismissal and the
26 reason therefor, and in all such cases the sequence of

1 dismissal shall occur in accordance with this subsection (b);
2 except that this subsection (b) shall not impair the operation
3 of any affirmative action program in the school district,
4 regardless of whether it exists by operation of law or is
5 conducted on a voluntary basis by the board.

6 Each teacher must be categorized into one or more positions
7 for which the teacher is qualified to hold, based upon legal
8 qualifications and any other qualifications established in a
9 district or joint agreement job description, on or before the
10 May 10 prior to the school year during which the sequence of
11 dismissal is determined. Within each position and subject to
12 agreements made by the joint committee on honorable dismissals
13 that are authorized by subsection (c) of this Section, the
14 school district or joint agreement must establish 4 groupings
15 of teachers qualified to hold the position as follows:

16 (1) Grouping one shall consist of each teacher who is
17 not in contractual continued service and who (i) has not
18 received a performance evaluation rating, (ii) is employed
19 for one school term or less to replace a teacher on leave,
20 or (iii) is employed on a part-time basis. "Part-time
21 basis" for the purposes of this subsection (b) means a
22 teacher who is employed to teach less than a full-day,
23 teacher workload or less than 5 days of the normal student
24 attendance week, unless otherwise provided for in a
25 collective bargaining agreement between the district and
26 the exclusive representative of the district's teachers.

1 For the purposes of this Section, a teacher (A) who is
2 employed as a full-time teacher but who actually teaches or
3 is otherwise present and participating in the district's
4 educational program for less than a school term or (B) who,
5 in the immediately previous school term, was employed on a
6 full-time basis and actually taught or was otherwise
7 present and participated in the district's educational
8 program for 120 days or more is not considered employed on
9 a part-time basis.

10 (2) Grouping 2 shall consist of each teacher with a
11 Needs Improvement or Unsatisfactory performance evaluation
12 rating on either of the teacher's last 2 performance
13 evaluation ratings.

14 (3) Grouping 3 shall consist of each teacher with a
15 performance evaluation rating of at least Satisfactory or
16 Proficient on both of the teacher's last 2 performance
17 evaluation ratings, if 2 ratings are available, or on the
18 teacher's last performance evaluation rating, if only one
19 rating is available, unless the teacher qualifies for
20 placement into grouping 4.

21 (4) Grouping 4 shall consist of each teacher whose last
22 2 performance evaluation ratings are Excellent and each
23 teacher with 2 Excellent performance evaluation ratings
24 out of the teacher's last 3 performance evaluation ratings
25 with a third rating of Satisfactory or Proficient.

26 Among teachers qualified to hold a position, teachers must

1 be dismissed in the order of their groupings, with teachers in
2 grouping one dismissed first and teachers in grouping 4
3 dismissed last.

4 Within grouping one, the sequence of dismissal must be at
5 the discretion of the school district or joint agreement.
6 Within grouping 2, the sequence of dismissal must be based upon
7 average performance evaluation ratings, with the teacher or
8 teachers with the lowest average performance evaluation rating
9 dismissed first. A teacher's average performance evaluation
10 rating must be calculated using the average of the teacher's
11 last 2 performance evaluation ratings, if 2 ratings are
12 available, or the teacher's last performance evaluation
13 rating, if only one rating is available, using the following
14 numerical values: 4 for Excellent; 3 for Proficient or
15 Satisfactory; 2 for Needs Improvement; and 1 for
16 Unsatisfactory. As between or among teachers in grouping 2 with
17 the same average performance evaluation rating and within each
18 of groupings 3 and 4, the teacher or teachers with the shorter
19 length of continuing service with the school district or joint
20 agreement must be dismissed first unless an alternative method
21 of determining the sequence of dismissal is established in a
22 collective bargaining agreement or contract between the board
23 and a professional faculty members' organization.

24 Each board, including the governing board of a joint
25 agreement, shall, in consultation with any exclusive employee
26 representatives, each year establish a sequence of honorable

1 dismissal list categorized by positions and the groupings
2 defined in this subsection (b). Copies of the list showing each
3 teacher by name and categorized by positions and the groupings
4 defined in this subsection (b) must be distributed to the
5 exclusive bargaining representative at least 75 days before the
6 end of the school term, provided that the school district or
7 joint agreement may, with notice to any exclusive employee
8 representatives, move teachers from grouping one into another
9 grouping during the period of time from 75 days until 45 days
10 before the end of the school term. Each year, each board shall
11 also establish, in consultation with any exclusive employee
12 representatives, a list showing the length of continuing
13 service of each teacher who is qualified to hold any such
14 positions, unless an alternative method of determining a
15 sequence of dismissal is established as provided for in this
16 Section, in which case a list must be made in accordance with
17 the alternative method. Copies of the list must be distributed
18 to the exclusive employee representative at least 75 days
19 before the end of the school term.

20 Any teacher dismissed as a result of such decrease or
21 discontinuance must be paid all earned compensation on or
22 before the third business day following the last day of pupil
23 attendance in the regular school term.

24 If the board or joint agreement has any vacancies for the
25 following school term or within one calendar year from the
26 beginning of the following school term, the positions thereby

1 becoming available must be tendered to the teachers so removed
2 or dismissed who were in groupings 3 or 4 of the sequence of
3 dismissal and are qualified to hold the positions, based upon
4 legal qualifications and any other qualifications established
5 in a district or joint agreement job description, on or before
6 the May 10 prior to the date of the positions becoming
7 available, provided that if the number of honorable dismissal
8 notices based on economic necessity exceeds 15% of the number
9 of full-time equivalent positions filled by certified
10 employees (excluding principals and administrative personnel)
11 during the preceding school year, then the recall period is for
12 the following school term or within 2 calendar years from the
13 beginning of the following school term. If the board or joint
14 agreement has any vacancies within the period from the
15 beginning of the following school term through February 1 of
16 the following school term (unless a date later than February 1,
17 but no later than 6 months from the beginning of the following
18 school term, is established in a collective bargaining
19 agreement), the positions thereby becoming available must be
20 tendered to the teachers so removed or dismissed who were in
21 grouping 2 of the sequence of dismissal due to one "needs
22 improvement" rating on either of the teacher's last 2
23 performance evaluation ratings, provided that, if 2 ratings are
24 available, the other performance evaluation rating used for
25 grouping purposes is "satisfactory", "proficient", or
26 "excellent", and are qualified to hold the positions, based

1 upon legal qualifications and any other qualifications
2 established in a district or joint agreement job description,
3 on or before the May 10 prior to the date of the positions
4 becoming available. On and after July 1, 2014 (the effective
5 date of Public Act 98-648) ~~this amendatory Act of the 98th~~
6 ~~General Assembly~~, the preceding sentence shall apply to
7 teachers removed or dismissed by honorable dismissal, even if
8 notice of honorable dismissal occurred during the 2013-2014
9 school year. Among teachers eligible for recall pursuant to the
10 preceding sentence, the order of recall must be in inverse
11 order of dismissal, unless an alternative order of recall is
12 established in a collective bargaining agreement or contract
13 between the board and a professional faculty members'
14 organization. Whenever the number of honorable dismissal
15 notices based upon economic necessity exceeds 5 notices or 150%
16 of the average number of teachers honorably dismissed in the
17 preceding 3 years, whichever is more, then the school board or
18 governing board of a joint agreement, as applicable, shall also
19 hold a public hearing on the question of the dismissals.
20 Following the hearing and board review, the action to approve
21 any such reduction shall require a majority vote of the board
22 members.

23 For purposes of this subsection (b), subject to agreement
24 on an alternative definition reached by the joint committee
25 described in subsection (c) of this Section, a teacher's
26 performance evaluation rating means the overall performance

1 evaluation rating resulting from an annual or biennial
2 performance evaluation conducted pursuant to Article 24A of
3 this Code by the school district or joint agreement determining
4 the sequence of dismissal, not including any performance
5 evaluation conducted during or at the end of a remediation
6 period. No more than one evaluation rating each school term
7 shall be one of the evaluation ratings used for the purpose of
8 determining the sequence of dismissal. Except as otherwise
9 provided in this subsection for any performance evaluations
10 conducted during or at the end of a remediation period, if
11 multiple performance evaluations are conducted in a school
12 term, only the rating from the last evaluation conducted prior
13 to establishing the sequence of honorable dismissal list in
14 such school term shall be the one evaluation rating from that
15 school term used for the purpose of determining the sequence of
16 dismissal. Averaging ratings from multiple evaluations is not
17 permitted unless otherwise agreed to in a collective bargaining
18 agreement or contract between the board and a professional
19 faculty members' organization. The preceding 3 sentences are
20 not a legislative declaration that existing law does or does
21 not already require that only one performance evaluation each
22 school term shall be used for the purpose of determining the
23 sequence of dismissal. For performance evaluation ratings
24 determined prior to September 1, 2012, any school district or
25 joint agreement with a performance evaluation rating system
26 that does not use either of the rating category systems

1 specified in subsection (d) of Section 24A-5 of this Code for
2 all teachers must establish a basis for assigning each teacher
3 a rating that complies with subsection (d) of Section 24A-5 of
4 this Code for all of the performance evaluation ratings that
5 are to be used to determine the sequence of dismissal. A
6 teacher's grouping and ranking on a sequence of honorable
7 dismissal shall be deemed a part of the teacher's performance
8 evaluation, and that information shall be disclosed to the
9 exclusive bargaining representative as part of a sequence of
10 honorable dismissal list, notwithstanding any laws prohibiting
11 disclosure of such information. A performance evaluation
12 rating may be used to determine the sequence of dismissal,
13 notwithstanding the pendency of any grievance resolution or
14 arbitration procedures relating to the performance evaluation.
15 If a teacher has received at least one performance evaluation
16 rating conducted by the school district or joint agreement
17 determining the sequence of dismissal and a subsequent
18 performance evaluation is not conducted in any school year in
19 which such evaluation is required to be conducted under Section
20 24A-5 of this Code, the teacher's performance evaluation rating
21 for that school year for purposes of determining the sequence
22 of dismissal is deemed Proficient. If a performance evaluation
23 rating is nullified as the result of an arbitration,
24 administrative agency, or court determination, then the school
25 district or joint agreement is deemed to have conducted a
26 performance evaluation for that school year, but the

1 performance evaluation rating may not be used in determining
2 the sequence of dismissal.

3 Nothing in this subsection (b) shall be construed as
4 limiting the right of a school board or governing board of a
5 joint agreement to dismiss a teacher not in contractual
6 continued service in accordance with Section 24-11 of this
7 Code.

8 Any provisions regarding the sequence of honorable
9 dismissals and recall of honorably dismissed teachers in a
10 collective bargaining agreement entered into on or before
11 January 1, 2011 and in effect on June 13, 2011 (the effective
12 date of Public Act 97-8) ~~this amendatory Act of the 97th~~
13 ~~General Assembly~~ that may conflict with Public Act 97-8 ~~this~~
14 ~~amendatory Act of the 97th General Assembly~~ shall remain in
15 effect through the expiration of such agreement or June 30,
16 2013, whichever is earlier.

17 (c) Each school district and special education joint
18 agreement must use a joint committee composed of equal
19 representation selected by the school board and its teachers
20 or, if applicable, the exclusive bargaining representative of
21 its teachers, to address the matters described in paragraphs
22 (1) through (5) of this subsection (c) pertaining to honorable
23 dismissals under subsection (b) of this Section.

24 (1) The joint committee must consider and may agree to
25 criteria for excluding from grouping 2 and placing into
26 grouping 3 a teacher whose last 2 performance evaluations

1 include a Needs Improvement and either a Proficient or
2 Excellent.

3 (2) The joint committee must consider and may agree to
4 an alternative definition for grouping 4, which definition
5 must take into account prior performance evaluation
6 ratings and may take into account other factors that relate
7 to the school district's or program's educational
8 objectives. An alternative definition for grouping 4 may
9 not permit the inclusion of a teacher in the grouping with
10 a Needs Improvement or Unsatisfactory performance
11 evaluation rating on either of the teacher's last 2
12 performance evaluation ratings.

13 (3) The joint committee may agree to including within
14 the definition of a performance evaluation rating a
15 performance evaluation rating administered by a school
16 district or joint agreement other than the school district
17 or joint agreement determining the sequence of dismissal.

18 (4) For each school district or joint agreement that
19 administers performance evaluation ratings that are
20 inconsistent with either of the rating category systems
21 specified in subsection (d) of Section 24A-5 of this Code,
22 the school district or joint agreement must consult with
23 the joint committee on the basis for assigning a rating
24 that complies with subsection (d) of Section 24A-5 of this
25 Code to each performance evaluation rating that will be
26 used in a sequence of dismissal.

1 (5) Upon request by a joint committee member submitted
2 to the employing board by no later than 10 days after the
3 distribution of the sequence of honorable dismissal list, a
4 representative of the employing board shall, within 5 days
5 after the request, provide to members of the joint
6 committee a list showing the most recent and prior
7 performance evaluation ratings of each teacher identified
8 only by length of continuing service in the district or
9 joint agreement and not by name. If, after review of this
10 list, a member of the joint committee has a good faith
11 belief that a disproportionate number of teachers with
12 greater length of continuing service with the district or
13 joint agreement have received a recent performance
14 evaluation rating lower than the prior rating, the member
15 may request that the joint committee review the list to
16 assess whether such a trend may exist. Following the joint
17 committee's review, but by no later than the end of the
18 applicable school term, the joint committee or any member
19 or members of the joint committee may submit a report of
20 the review to the employing board and exclusive bargaining
21 representative, if any. Nothing in this paragraph (5) shall
22 impact the order of honorable dismissal or a school
23 district's or joint agreement's authority to carry out a
24 dismissal in accordance with subsection (b) of this
25 Section.

26 Agreement by the joint committee as to a matter requires

1 the majority vote of all committee members, and if the joint
2 committee does not reach agreement on a matter, then the
3 otherwise applicable requirements of subsection (b) of this
4 Section shall apply. Except as explicitly set forth in this
5 subsection (c), a joint committee has no authority to agree to
6 any further modifications to the requirements for honorable
7 dismissals set forth in subsection (b) of this Section. The
8 joint committee must be established, and the first meeting of
9 the joint committee each school year must occur on or before
10 December 1.

11 The joint committee must reach agreement on a matter on or
12 before February 1 of a school year in order for the agreement
13 of the joint committee to apply to the sequence of dismissal
14 determined during that school year. Subject to the February 1
15 deadline for agreements, the agreement of a joint committee on
16 a matter shall apply to the sequence of dismissal until the
17 agreement is amended or terminated by the joint committee.

18 The provisions of the Open Meetings Act shall not apply to
19 meetings of a joint committee created under this subsection
20 (c).

21 (d) Notwithstanding anything to the contrary in this
22 subsection (d), the requirements and dismissal procedures of
23 Section 24-16.5 of this Code shall apply to any dismissal
24 sought under Section 24-16.5 of this Code.

25 (1) If a dismissal of a teacher in contractual
26 continued service is sought for any reason or cause other

1 than an honorable dismissal under subsections (a) or (b) of
2 this Section or a dismissal sought under Section 24-16.5 of
3 this Code, including those under Section 10-22.4, the board
4 must first approve a motion containing specific charges by
5 a majority vote of all its members. Written notice of such
6 charges, including a bill of particulars and the teacher's
7 right to request a hearing, must be mailed to the teacher
8 and also given to the teacher either by certified mail,
9 return receipt requested, or personal delivery with
10 receipt within 5 days of the adoption of the motion. Any
11 written notice sent on or after July 1, 2012 shall inform
12 the teacher of the right to request a hearing before a
13 mutually selected hearing officer, with the cost of the
14 hearing officer split equally between the teacher and the
15 board, or a hearing before a board-selected hearing
16 officer, with the cost of the hearing officer paid by the
17 board.

18 Before setting a hearing on charges stemming from
19 causes that are considered remediable, a board must give
20 the teacher reasonable warning in writing, stating
21 specifically the causes that, if not removed, may result in
22 charges; however, no such written warning is required if
23 the causes have been the subject of a remediation plan
24 pursuant to Article 24A of this Code.

25 If, in the opinion of the board, the interests of the
26 school require it, the board may suspend the teacher

1 without pay, pending the hearing, but if the board's
2 dismissal or removal is not sustained, the teacher shall
3 not suffer the loss of any salary or benefits by reason of
4 the suspension.

5 (2) No hearing upon the charges is required unless the
6 teacher within 17 days after receiving notice requests in
7 writing of the board that a hearing be scheduled before a
8 mutually selected hearing officer or a hearing officer
9 selected by the board. The secretary of the school board
10 shall forward a copy of the notice to the State Board of
11 Education.

12 (3) Within 5 business days after receiving a notice of
13 hearing in which either notice to the teacher was sent
14 before July 1, 2012 or, if the notice was sent on or after
15 July 1, 2012, the teacher has requested a hearing before a
16 mutually selected hearing officer, the State Board of
17 Education shall provide a list of 5 prospective, impartial
18 hearing officers from the master list of qualified,
19 impartial hearing officers maintained by the State Board of
20 Education. Each person on the master list must (i) be
21 accredited by a national arbitration organization and have
22 had a minimum of 5 years of experience directly related to
23 labor and employment relations matters between employers
24 and employees or their exclusive bargaining
25 representatives and (ii) beginning September 1, 2012, have
26 participated in training provided or approved by the State

1 Board of Education for teacher dismissal hearing officers
2 so that he or she is familiar with issues generally
3 involved in evaluative and non-evaluative dismissals.

4 If notice to the teacher was sent before July 1, 2012
5 or, if the notice was sent on or after July 1, 2012, the
6 teacher has requested a hearing before a mutually selected
7 hearing officer, the board and the teacher or their legal
8 representatives within 3 business days shall alternately
9 strike one name from the list provided by the State Board
10 of Education until only one name remains. Unless waived by
11 the teacher, the teacher shall have the right to proceed
12 first with the striking. Within 3 business days of receipt
13 of the list provided by the State Board of Education, the
14 board and the teacher or their legal representatives shall
15 each have the right to reject all prospective hearing
16 officers named on the list and notify the State Board of
17 Education of such rejection. Within 3 business days after
18 receiving this notification, the State Board of Education
19 shall appoint a qualified person from the master list who
20 did not appear on the list sent to the parties to serve as
21 the hearing officer, unless the parties notify it that they
22 have chosen to alternatively select a hearing officer under
23 paragraph (4) of this subsection (d).

24 If the teacher has requested a hearing before a hearing
25 officer selected by the board, the board shall select one
26 name from the master list of qualified impartial hearing

1 officers maintained by the State Board of Education within
2 3 business days after receipt and shall notify the State
3 Board of Education of its selection.

4 A hearing officer mutually selected by the parties,
5 selected by the board, or selected through an alternative
6 selection process under paragraph (4) of this subsection
7 (d) (A) must not be a resident of the school district, (B)
8 must be available to commence the hearing within 75 days
9 and conclude the hearing within 120 days after being
10 selected as the hearing officer, and (C) must issue a
11 decision as to whether the teacher must be dismissed and
12 give a copy of that decision to both the teacher and the
13 board within 30 days from the conclusion of the hearing or
14 closure of the record, whichever is later.

15 (4) In the alternative to selecting a hearing officer
16 from the list received from the State Board of Education or
17 accepting the appointment of a hearing officer by the State
18 Board of Education or if the State Board of Education
19 cannot provide a list or appoint a hearing officer that
20 meets the foregoing requirements, the board and the teacher
21 or their legal representatives may mutually agree to select
22 an impartial hearing officer who is not on the master list
23 either by direct appointment by the parties or by using
24 procedures for the appointment of an arbitrator
25 established by the Federal Mediation and Conciliation
26 Service or the American Arbitration Association. The

1 parties shall notify the State Board of Education of their
2 intent to select a hearing officer using an alternative
3 procedure within 3 business days of receipt of a list of
4 prospective hearing officers provided by the State Board of
5 Education, notice of appointment of a hearing officer by
6 the State Board of Education, or receipt of notice from the
7 State Board of Education that it cannot provide a list that
8 meets the foregoing requirements, whichever is later.

9 (5) If the notice of dismissal was sent to the teacher
10 before July 1, 2012, the fees and costs for the hearing
11 officer must be paid by the State Board of Education. If
12 the notice of dismissal was sent to the teacher on or after
13 July 1, 2012, the hearing officer's fees and costs must be
14 paid as follows in this paragraph (5). The fees and
15 permissible costs for the hearing officer must be
16 determined by the State Board of Education. If the board
17 and the teacher or their legal representatives mutually
18 agree to select an impartial hearing officer who is not on
19 a list received from the State Board of Education, they may
20 agree to supplement the fees determined by the State Board
21 to the hearing officer, at a rate consistent with the
22 hearing officer's published professional fees. If the
23 hearing officer is mutually selected by the parties, then
24 the board and the teacher or their legal representatives
25 shall each pay 50% of the fees and costs and any
26 supplemental allowance to which they agree. If the hearing

1 officer is selected by the board, then the board shall pay
2 100% of the hearing officer's fees and costs. The fees and
3 costs must be paid to the hearing officer within 14 days
4 after the board and the teacher or their legal
5 representatives receive the hearing officer's decision set
6 forth in paragraph (7) of this subsection (d).

7 (6) The teacher is required to answer the bill of
8 particulars and aver affirmative matters in his or her
9 defense, and the time for initially doing so and the time
10 for updating such answer and defenses after pre-hearing
11 discovery must be set by the hearing officer. The State
12 Board of Education shall promulgate rules so that each
13 party has a fair opportunity to present its case and to
14 ensure that the dismissal process proceeds in a fair and
15 expeditious manner. These rules shall address, without
16 limitation, discovery and hearing scheduling conferences;
17 the teacher's initial answer and affirmative defenses to
18 the bill of particulars and the updating of that
19 information after pre-hearing discovery; provision for
20 written interrogatories and requests for production of
21 documents; the requirement that each party initially
22 disclose to the other party and then update the disclosure
23 no later than 10 calendar days prior to the commencement of
24 the hearing, the names and addresses of persons who may be
25 called as witnesses at the hearing, a summary of the facts
26 or opinions each witness will testify to, and all other

1 documents and materials, including information maintained
2 electronically, relevant to its own as well as the other
3 party's case (the hearing officer may exclude witnesses and
4 exhibits not identified and shared, except those offered in
5 rebuttal for which the party could not reasonably have
6 anticipated prior to the hearing); pre-hearing discovery
7 and preparation, including provision for written
8 interrogatories and requests for production of documents,
9 provided that discovery depositions are prohibited; the
10 conduct of the hearing; the right of each party to be
11 represented by counsel, the offer of evidence and witnesses
12 and the cross-examination of witnesses; the authority of
13 the hearing officer to issue subpoenas and subpoenas duces
14 tecum, provided that the hearing officer may limit the
15 number of witnesses to be subpoenaed on behalf of each
16 party to no more than 7; the length of post-hearing briefs;
17 and the form, length, and content of hearing officers'
18 decisions. The hearing officer shall hold a hearing and
19 render a final decision for dismissal pursuant to Article
20 24A of this Code or shall report to the school board
21 findings of fact and a recommendation as to whether or not
22 the teacher must be dismissed for conduct. The hearing
23 officer shall commence the hearing within 75 days and
24 conclude the hearing within 120 days after being selected
25 as the hearing officer, provided that the hearing officer
26 may modify these timelines upon the showing of good cause

1 or mutual agreement of the parties. Good cause for the
2 purpose of this subsection (d) shall mean the illness or
3 otherwise unavoidable emergency of the teacher, district
4 representative, their legal representatives, the hearing
5 officer, or an essential witness as indicated in each
6 party's pre-hearing submission. In a dismissal hearing
7 pursuant to Article 24A of this Code in which a witness is
8 a student or is under the age of 18, the hearing officer
9 must make accommodations for the witness, as provided under
10 paragraph (6.5) of this subsection. ~~The,~~ the hearing
11 officer shall consider and give weight to all of the
12 teacher's evaluations written pursuant to Article 24A that
13 are relevant to the issues in the hearing.

14 Each party shall have no more than 3 days to present
15 its case, unless extended by the hearing officer to enable
16 a party to present adequate evidence and testimony,
17 including due to the other party's cross-examination of the
18 party's witnesses, for good cause or by mutual agreement of
19 the parties. The State Board of Education shall define in
20 rules the meaning of "day" for such purposes. All testimony
21 at the hearing shall be taken under oath administered by
22 the hearing officer. The hearing officer shall cause a
23 record of the proceedings to be kept and shall employ a
24 competent reporter to take stenographic or stenotype notes
25 of all the testimony. The costs of the reporter's
26 attendance and services at the hearing shall be paid by the

1 party or parties who are responsible for paying the fees
2 and costs of the hearing officer. Either party desiring a
3 transcript of the hearing shall pay for the cost thereof.
4 Any post-hearing briefs must be submitted by the parties by
5 no later than 21 days after a party's receipt of the
6 transcript of the hearing, unless extended by the hearing
7 officer for good cause or by mutual agreement of the
8 parties.

9 (6.5) In the case of charges involving physical or
10 sexual contact with a student or a person under the age of
11 18, the hearing officer shall make alternative hearing
12 procedures to protect a witness who is a student or who is
13 under the age of 18 from being intimidated or traumatized.
14 Alternative hearing procedures may include, but are not
15 limited to: (i) testimony made via a telecommunication
16 device in a location other than the hearing room and
17 outside the physical presence of the teacher or the
18 principal and other hearing participants, (ii) testimony
19 outside the physical presence of the teacher or the
20 principal, or (iii) non-public testimony. A hearing
21 officer shall admit an out-of-court statement made by a
22 witness who is student or a person under the age of 18 if
23 the statement concerns the teacher's or the principal's
24 physical or sexual contact with the witness. The
25 availability of the witness shall not bar the admission of
26 the out-of-court statement into evidence. The hearing

1 officer shall determine the weight to be afforded the
2 statement based on an assessment of various indicia of its
3 reliability.

4 (7) The hearing officer shall, within 30 days from the
5 conclusion of the hearing or closure of the record,
6 whichever is later, make a decision as to whether or not
7 the teacher shall be dismissed pursuant to Article 24A of
8 this Code or report to the school board findings of fact
9 and a recommendation as to whether or not the teacher shall
10 be dismissed for cause and shall give a copy of the
11 decision or findings of fact and recommendation to both the
12 teacher and the school board. If a hearing officer fails
13 without good cause, specifically provided in writing to
14 both parties and the State Board of Education, to render a
15 decision or findings of fact and recommendation within 30
16 days after the hearing is concluded or the record is
17 closed, whichever is later, the parties may mutually agree
18 to select a hearing officer pursuant to the alternative
19 procedure, as provided in this Section, to rehear the
20 charges heard by the hearing officer who failed to render a
21 decision or findings of fact and recommendation or to
22 review the record and render a decision. If any hearing
23 officer fails without good cause, specifically provided in
24 writing to both parties and the State Board of Education,
25 to render a decision or findings of fact and recommendation
26 within 30 days after the hearing is concluded or the record

1 is closed, whichever is later, the hearing officer shall be
2 removed from the master list of hearing officers maintained
3 by the State Board of Education for not more than 24
4 months. The parties and the State Board of Education may
5 also take such other actions as it deems appropriate,
6 including recovering, reducing, or withholding any fees
7 paid or to be paid to the hearing officer. If any hearing
8 officer repeats such failure, he or she must be permanently
9 removed from the master list maintained by the State Board
10 of Education and may not be selected by parties through the
11 alternative selection process under this paragraph (7) or
12 paragraph (4) of this subsection (d). The board shall not
13 lose jurisdiction to discharge a teacher if the hearing
14 officer fails to render a decision or findings of fact and
15 recommendation within the time specified in this Section.
16 If the decision of the hearing officer for dismissal
17 pursuant to Article 24A of this Code or of the school board
18 for dismissal for cause is in favor of the teacher, then
19 the hearing officer or school board shall order
20 reinstatement to the same or substantially equivalent
21 position and shall determine the amount for which the
22 school board is liable, including, but not limited to, loss
23 of income and benefits.

24 (8) The school board, within 45 days after receipt of
25 the hearing officer's findings of fact and recommendation
26 as to whether (i) the conduct at issue occurred, (ii) the

1 conduct that did occur was remediable, and (iii) the
2 proposed dismissal should be sustained, shall issue a
3 written order as to whether the teacher must be retained or
4 dismissed for cause from its employ. The school board's
5 written order shall incorporate the hearing officer's
6 findings of fact, except that the school board may modify
7 or supplement the findings of fact if, in its opinion, the
8 findings of fact are against the manifest weight of the
9 evidence.

10 If the school board dismisses the teacher
11 notwithstanding the hearing officer's findings of fact and
12 recommendation, the school board shall make a conclusion in
13 its written order, giving its reasons therefor, and such
14 conclusion and reasons must be included in its written
15 order. The failure of the school board to strictly adhere
16 to the timelines contained in this Section shall not render
17 it without jurisdiction to dismiss the teacher. The school
18 board shall not lose jurisdiction to discharge the teacher
19 for cause if the hearing officer fails to render a
20 recommendation within the time specified in this Section.
21 The decision of the school board is final, unless reviewed
22 as provided in paragraph (9) of this subsection (d).

23 If the school board retains the teacher, the school
24 board shall enter a written order stating the amount of
25 back pay and lost benefits, less mitigation, to be paid to
26 the teacher, within 45 days after its retention order.

1 Should the teacher object to the amount of the back pay and
2 lost benefits or amount mitigated, the teacher shall give
3 written objections to the amount within 21 days. If the
4 parties fail to reach resolution within 7 days, the dispute
5 shall be referred to the hearing officer, who shall
6 consider the school board's written order and teacher's
7 written objection and determine the amount to which the
8 school board is liable. The costs of the hearing officer's
9 review and determination must be paid by the board.

10 (9) The decision of the hearing officer pursuant to
11 Article 24A of this Code or of the school board's decision
12 to dismiss for cause is final unless reviewed as provided
13 in Section 24-16 of this Code Act. If the school board's
14 decision to dismiss for cause is contrary to the hearing
15 officer's recommendation, the court on review shall give
16 consideration to the school board's decision and its
17 supplemental findings of fact, if applicable, and the
18 hearing officer's findings of fact and recommendation in
19 making its decision. In the event such review is
20 instituted, the school board shall be responsible for
21 preparing and filing the record of proceedings, and such
22 costs associated therewith must be divided equally between
23 the parties.

24 (10) If a decision of the hearing officer for dismissal
25 pursuant to Article 24A of this Code or of the school board
26 for dismissal for cause is adjudicated upon review or

1 appeal in favor of the teacher, then the trial court shall
2 order reinstatement and shall remand the matter to the
3 school board with direction for entry of an order setting
4 the amount of back pay, lost benefits, and costs, less
5 mitigation. The teacher may challenge the school board's
6 order setting the amount of back pay, lost benefits, and
7 costs, less mitigation, through an expedited arbitration
8 procedure, with the costs of the arbitrator borne by the
9 school board.

10 Any teacher who is reinstated by any hearing or
11 adjudication brought under this Section shall be assigned
12 by the board to a position substantially similar to the one
13 which that teacher held prior to that teacher's suspension
14 or dismissal.

15 (11) Subject to any later effective date referenced in
16 this Section for a specific aspect of the dismissal
17 process, the changes made by Public Act 97-8 shall apply to
18 dismissals instituted on or after September 1, 2011. Any
19 dismissal instituted prior to September 1, 2011 must be
20 carried out in accordance with the requirements of this
21 Section prior to amendment by Public Act 97-8.

22 (e) 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. 99-78, eff. 7-20-15; 100-768, eff. 1-1-19;
3 revised 9-28-18.)

4 (105 ILCS 5/24-14) (from Ch. 122, par. 24-14)

5 Sec. 24-14. Termination of contractual continued service
6 by teacher. A teacher who has entered into contractual
7 continued service may resign at any time by obtaining
8 concurrence of the board or by serving at least 30 days'
9 written notice upon the secretary of the board. However, no
10 teacher may resign during the school term, without the
11 concurrence of the board, in order to accept another teaching
12 assignment. Any teacher terminating said service not in
13 accordance with this Section may be referred by the board to
14 the State Superintendent of Education is guilty of
15 unprofessional conduct and liable to suspension of licensure
16 for a period not to exceed 1 year, as provided in Section
17 21B-75 of this Code. The State Superintendent or his or her
18 designee shall convene an informal evidentiary hearing no later
19 than 90 days after receipt of a resolution by the board. If the
20 State Superintendent or his or her designee finds that the
21 teacher resigned during the school term without the concurrence
22 of the board to accept another teaching assignment, the State
23 Superintendent must suspend the teacher's license for a period
24 not to exceed one calendar year. In lieu of a hearing and
25 finding, the teacher may agree to a lesser licensure sanction

1 at the discretion of the State Superintendent.

2 (Source: P.A. 97-607, eff. 8-26-11.)

3 (105 ILCS 5/27A-5)

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

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

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

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

25 From April 1, 2013 through December 31, 2016, there is a

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

9 On or before March 1, 2014, the Commission shall submit to
10 the General Assembly a report on the effect of
11 virtual-schooling, including without limitation the effect on
12 student performance, the costs associated with
13 virtual-schooling, and issues with oversight. The report shall
14 include policy recommendations for virtual-schooling.

15 (c) A charter school shall be administered and governed by
16 its board of directors or other governing body in the manner
17 provided in its charter. The governing body of a charter school
18 shall be subject to the Freedom of Information Act and the Open
19 Meetings Act.

20 (d) For purposes of this subsection (d), "non-curricular
21 health and safety requirement" means any health and safety
22 requirement created by statute or rule to provide, maintain,
23 preserve, or safeguard safe or healthful conditions for
24 students and school personnel or to eliminate, reduce, or
25 prevent threats to the health and safety of students and school
26 personnel. "Non-curricular health and safety requirement" does

1 not include any course of study or specialized instructional
2 requirement for which the State Board has established goals and
3 learning standards or which is designed primarily to impart
4 knowledge and skills for students to master and apply as an
5 outcome of their education.

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

24 (e) Except as otherwise provided in the School Code, a
25 charter school shall not charge tuition; provided that a
26 charter school may charge reasonable fees for textbooks,

1 instructional materials, and student activities.

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

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

24 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
25 criminal history records checks and checks of the Statewide
26 Sex Offender Database and Statewide Murderer and Violent

1 Offender Against Youth Database of applicants for
2 employment;

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

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

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

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

11 (5.5) subsection (b) of Section 10-23.12 and
12 subsection (b) of Section 34-18.6 of this Code;

13 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

24 (14) Section 26-18 of this Code; ~~and~~

25 (15) Section 22-30 of this Code; ~~and~~

26 (16) Sections 24-12 and 34-85 of this Code.

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

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

1 shall be provided by the public entity at cost.

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

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

13 (k) If the charter school is approved by the Commission,
14 then the Commission charter school is its own local education
15 agency.

16 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
17 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
18 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
19 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
20 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
21 eff. 8-14-18; revised 10-5-18.)

22 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

23 Sec. 34-18.5. Criminal history records checks and checks of
24 the Statewide Sex Offender Database and Statewide Murderer and
25 Violent Offender Against Youth Database.

1 (a) Licensed and nonlicensed ~~Certified and noncertified~~
2 applicants for employment with the school district are required
3 as a condition of employment to authorize a fingerprint-based
4 criminal history records check to determine if such applicants
5 have been convicted of any disqualifying, ~~of the~~ enumerated
6 criminal or drug offenses in subsection (c) of this Section or
7 have been convicted, within 7 years of the application for
8 employment with the school district, of any other felony under
9 the laws of this State or of any offense committed or attempted
10 in any other state or against the laws of the United States
11 that, if committed or attempted in this State, would have been
12 punishable as a felony under the laws of this State.
13 Authorization for the check shall be furnished by the applicant
14 to the school district, except that if the applicant is a
15 substitute teacher seeking employment in more than one school
16 district, or a teacher seeking concurrent part-time employment
17 positions with more than one school district (as a reading
18 specialist, special education teacher or otherwise), or an
19 educational support personnel employee seeking employment
20 positions with more than one district, any such district may
21 require the applicant to furnish authorization for the check to
22 the regional superintendent of the educational service region
23 in which are located the school districts in which the
24 applicant is seeking employment as a substitute or concurrent
25 part-time teacher or concurrent educational support personnel
26 employee. Upon receipt of this authorization, the school

1 district or the appropriate regional superintendent, as the
2 case may be, shall submit the applicant's name, sex, race, date
3 of birth, social security number, fingerprint images, and other
4 identifiers, as prescribed by the Department of State Police,
5 to the Department. The regional superintendent submitting the
6 requisite information to the Department of State Police shall
7 promptly notify the school districts in which the applicant is
8 seeking employment as a substitute or concurrent part-time
9 teacher or concurrent educational support personnel employee
10 that the check of the applicant has been requested. The
11 Department of State Police and the Federal Bureau of
12 Investigation shall furnish, pursuant to a fingerprint-based
13 criminal history records check, records of convictions,
14 forever and hereinafter, until expunged, to the president of
15 the school board for the school district that requested the
16 check, or to the regional superintendent who requested the
17 check. The Department shall charge the school district or the
18 appropriate regional superintendent a fee for conducting such
19 check, which fee shall be deposited in the State Police
20 Services Fund and shall not exceed the cost of the inquiry; and
21 the applicant shall not be charged a fee for such check by the
22 school district or by the regional superintendent. Subject to
23 appropriations for these purposes, the State Superintendent of
24 Education shall reimburse the school district and regional
25 superintendent for fees paid to obtain criminal history records
26 checks under this Section.

1 (a-5) The school district or regional superintendent shall
2 further perform a check of the Statewide Sex Offender Database,
3 as authorized by the Sex Offender Community Notification Law,
4 for each applicant. The check of the Statewide Sex Offender
5 Database must be conducted by the school district or regional
6 superintendent once for every 5 years that an applicant remains
7 employed by the school district.

8 (a-6) The school district or regional superintendent shall
9 further perform a check of the Statewide Murderer and Violent
10 Offender Against Youth Database, as authorized by the Murderer
11 and Violent Offender Against Youth Community Notification Law,
12 for each applicant. The check of the Murderer and Violent
13 Offender Against Youth Database must be conducted by the school
14 district or regional superintendent once for every 5 years that
15 an applicant remains employed by the school district.

16 (b) Any information concerning the record of convictions
17 obtained by the president of the board of education or the
18 regional superintendent shall be confidential and may only be
19 transmitted to the general superintendent of the school
20 district or his designee, the appropriate regional
21 superintendent if the check was requested by the board of
22 education for the school district, the presidents of the
23 appropriate board of education or school boards if the check
24 was requested from the Department of State Police by the
25 regional superintendent, the State Superintendent of
26 Education, the State Educator Preparation and Licensure State

1 ~~Teacher Certification~~ Board or any other person necessary to
2 the decision of hiring the applicant for employment. A copy of
3 the record of convictions obtained from the Department of State
4 Police shall be provided to the applicant for employment. Upon
5 the check of the Statewide Sex Offender Database, the school
6 district or regional superintendent shall notify an applicant
7 as to whether or not the applicant has been identified in the
8 Database as a sex offender. If a check of an applicant for
9 employment as a substitute or concurrent part-time teacher or
10 concurrent educational support personnel employee in more than
11 one school district was requested by the regional
12 superintendent, and the Department of State Police upon a check
13 ascertains that the applicant has not been convicted of any of
14 the enumerated criminal or drug offenses in subsection (c) of
15 this Section or has not been convicted, within 7 years of the
16 application for employment with the school district, of any
17 other felony under the laws of this State or of any offense
18 committed or attempted in any other state or against the laws
19 of the United States that, if committed or attempted in this
20 State, would have been punishable as a felony under the laws of
21 this State and so notifies the regional superintendent and if
22 the regional superintendent upon a check ascertains that the
23 applicant has not been identified in the Sex Offender Database
24 as a sex offender, then the regional superintendent shall issue
25 to the applicant a certificate evidencing that as of the date
26 specified by the Department of State Police the applicant has

1 not been convicted of any of the enumerated criminal or drug
2 offenses in subsection (c) of this Section or has not been
3 convicted, within 7 years of the application for employment
4 with the school district, of any other felony under the laws of
5 this State or of any offense committed or attempted in any
6 other state or against the laws of the United States that, if
7 committed or attempted in this State, would have been
8 punishable as a felony under the laws of this State and
9 evidencing that as of the date that the regional superintendent
10 conducted a check of the Statewide Sex Offender Database, the
11 applicant has not been identified in the Database as a sex
12 offender. The school board of any school district may rely on
13 the certificate issued by any regional superintendent to that
14 substitute teacher, concurrent part-time teacher, or
15 concurrent educational support personnel employee or may
16 initiate its own criminal history records check of the
17 applicant through the Department of State Police and its own
18 check of the Statewide Sex Offender Database as provided in
19 subsection (a). Any unauthorized release of confidential
20 information may be a violation of Section 7 of the Criminal
21 Identification Act.

22 (c) The board of education shall not knowingly employ a
23 person who has been convicted of any offense that would subject
24 him or her to license suspension or revocation pursuant to
25 Section 21B-80 of this Code, except as provided under
26 subsection (b) of 21B-80. Further, the board of education shall

1 not knowingly employ a person who has been found to be the
2 perpetrator of sexual or physical abuse of any minor under 18
3 years of age pursuant to proceedings under Article II of the
4 Juvenile Court Act of 1987. The board of education shall not
5 knowingly employ a person who has been issued an indicated
6 finding of abuse or neglect of a child by the Department of
7 Children and Family Services under the Abused and Neglected
8 Child Reporting Act or by a child welfare agency of another
9 jurisdiction.

10 (d) The board of education shall not knowingly employ a
11 person for whom a criminal history records check and a
12 Statewide Sex Offender Database check has not been initiated.

13 (e) No later than 15 business days after receipt of a
14 record of conviction or of checking the Statewide Murderer and
15 Violent Offender Against Youth Database or the Statewide Sex
16 Offender Database and finding a registration, the general
17 superintendent of schools or the applicable regional
18 superintendent shall, in writing, notify the State
19 Superintendent of Education of any license holder who has been
20 convicted of a crime set forth in Section 21B-80 of this Code.

21 Upon receipt of the record of a conviction of or a finding of
22 child abuse by a holder of any license ~~certificate~~ issued
23 pursuant to Article 21B ~~21~~ or Section 34-8.1 or 34-83 of the
24 School Code, the State Superintendent of Education may initiate
25 licensure ~~certificate~~ suspension and revocation proceedings as
26 authorized by law. If the receipt of the record of conviction

1 or finding of child abuse is received within 6 months after the
2 initial grant of or renewal of a license, the State
3 Superintendent of Education may rescind the license holder's
4 license.

5 (e-5) The general superintendent of schools shall, in
6 writing, notify the State Superintendent of Education of any
7 license ~~certificate~~ holder whom he or she has reasonable cause
8 to believe has committed an intentional act of abuse or neglect
9 with the result of making a child an abused child or a
10 neglected child, as defined in Section 3 of the Abused and
11 Neglected Child Reporting Act, and that act resulted in the
12 license ~~certificate~~ holder's dismissal or resignation from the
13 school district. This notification must be submitted within 30
14 days after the dismissal or resignation. The license
15 ~~certificate~~ holder must also be contemporaneously sent a copy
16 of the notice by the superintendent. All correspondence,
17 documentation, and other information so received by the State
18 Superintendent of Education, the State Board of Education, or
19 the State Educator Preparation and Licensure ~~State Teacher~~
20 ~~Certification~~ Board under this subsection (e-5) is
21 confidential and must not be disclosed to third parties, except
22 (i) as necessary for the State Superintendent of Education or
23 his or her designee to investigate and prosecute pursuant to
24 Article 21B ~~21~~ of this Code, (ii) pursuant to a court order,
25 (iii) for disclosure to the license ~~certificate~~ holder or his
26 or her representative, or (iv) as otherwise provided in this

1 Article and provided that any such information admitted into
2 evidence in a hearing is exempt from this confidentiality and
3 non-disclosure requirement. Except for an act of willful or
4 wanton misconduct, any superintendent who provides
5 notification as required in this subsection (e-5) shall have
6 immunity from any liability, whether civil or criminal or that
7 otherwise might result by reason of such action.

8 (f) After March 19, 1990, the provisions of this Section
9 shall apply to all employees of persons or firms holding
10 contracts with any school district including, but not limited
11 to, food service workers, school bus drivers and other
12 transportation employees, who have direct, daily contact with
13 the pupils of any school in such district. For purposes of
14 criminal history records checks and checks of the Statewide Sex
15 Offender Database on employees of persons or firms holding
16 contracts with more than one school district and assigned to
17 more than one school district, the regional superintendent of
18 the educational service region in which the contracting school
19 districts are located may, at the request of any such school
20 district, be responsible for receiving the authorization for a
21 criminal history records check prepared by each such employee
22 and submitting the same to the Department of State Police and
23 for conducting a check of the Statewide Sex Offender Database
24 for each employee. Any information concerning the record of
25 conviction and identification as a sex offender of any such
26 employee obtained by the regional superintendent shall be

1 promptly reported to the president of the appropriate school
2 board or school boards.

3 (f-5) Upon request of a school or school district, any
4 information obtained by the school district pursuant to
5 subsection (f) of this Section within the last year must be
6 made available to the requesting school or school district.

7 (g) Prior to the commencement of any student teaching
8 experience or required internship (which is referred to as
9 student teaching in this Section) in the public schools, a
10 student teacher is required to authorize a fingerprint-based
11 criminal history records check. Authorization for and payment
12 of the costs of the check must be furnished by the student
13 teacher to the school district. Upon receipt of this
14 authorization and payment, the school district shall submit the
15 student teacher's name, sex, race, date of birth, social
16 security number, fingerprint images, and other identifiers, as
17 prescribed by the Department of State Police, to the Department
18 of State Police. The Department of State Police and the Federal
19 Bureau of Investigation shall furnish, pursuant to a
20 fingerprint-based criminal history records check, records of
21 convictions, forever and hereinafter, until expunged, to the
22 president of the board. The Department shall charge the school
23 district a fee for conducting the check, which fee must not
24 exceed the cost of the inquiry and must be deposited into the
25 State Police Services Fund. The school district shall further
26 perform a check of the Statewide Sex Offender Database, as

1 authorized by the Sex Offender Community Notification Law, and
2 of the Statewide Murderer and Violent Offender Against Youth
3 Database, as authorized by the Murderer and Violent Offender
4 Against Youth Registration Act, for each student teacher. The
5 board may not knowingly allow a person to student teach for
6 whom a criminal history records check, a Statewide Sex Offender
7 Database check, and a Statewide Murderer and Violent Offender
8 Against Youth Database check have not been completed and
9 reviewed by the district.

10 A copy of the record of convictions obtained from the
11 Department of State Police must be provided to the student
12 teacher. Any information concerning the record of convictions
13 obtained by the president of the board is confidential and may
14 only be transmitted to the general superintendent of schools or
15 his or her designee, the State Superintendent of Education, the
16 State Educator Preparation and Licensure Board, or, for
17 clarification purposes, the Department of State Police or the
18 Statewide Sex Offender Database or Statewide Murderer and
19 Violent Offender Against Youth Database. Any unauthorized
20 release of confidential information may be a violation of
21 Section 7 of the Criminal Identification Act.

22 The board may not knowingly allow a person to student teach
23 who has been convicted of any offense that would subject him or
24 her to license suspension or revocation pursuant to subsection
25 (c) of Section 21B-80 of this Code, except as provided under
26 subsection (b) of Section 21B-80. Further, the board may not

1 allow a person to student teach if he or she ~~or who~~ has been
2 found to be the perpetrator of sexual or physical abuse of a
3 minor under 18 years of age pursuant to proceedings under
4 Article II of the Juvenile Court Act of 1987. The board may not
5 knowingly allow a person to student teach who has been issued
6 an indicated finding of abuse or neglect of a child by the
7 Department of Children and Family Services under the Abused and
8 Neglected Child Reporting Act or by a child welfare agency of
9 another jurisdiction.

10 (h) (Blank).

11 (Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

12 (105 ILCS 5/34-18.6) (from Ch. 122, par. 34-18.6)

13 Sec. 34-18.6. Child abuse and neglect; detection,
14 reporting, and prevention; willful or negligent failure to
15 report.

16 (a) The Board of Education may provide staff development
17 for local school site personnel who work with pupils in grades
18 kindergarten through 8 in the detection, reporting, and
19 prevention of child abuse and neglect.

20 (b) The Department of Children and Family Services may, in
21 cooperation with school officials, distribute appropriate
22 materials in school buildings listing the toll-free telephone
23 number established in Section 7.6 of the Abused and Neglected
24 Child Reporting Act, including methods of making a report under
25 Section 7 of the Abused and Neglected Child Reporting Act, to

1 be displayed in a clearly visible location in each school
2 building.

3 (c) Except for an employee licensed under Article 21B of
4 this Code, if the board determines that any school district
5 employee has willfully or negligently failed to report an
6 instance of suspected child abuse or neglect, as required by
7 the Abused and Neglected Child Reporting Act, then the board
8 may dismiss that employee immediately upon that determination.
9 For purposes of this subsection (c), negligent failure to
10 report an instance of suspected child abuse or neglect occurs
11 when a school district employee personally observes or learns
12 of an instance of suspected child abuse or neglect and
13 reasonably believes, in his or her professional or official
14 capacity, that the instance constitutes an act of child abuse
15 or neglect under the Abused and Neglected Child Reporting Act,
16 and he or she, without willful intent, fails to immediately
17 report or cause a report to be made of the suspected abuse or
18 neglect to the Department of Children and Family Services, as
19 required by the Abused and Neglected Child Reporting Act.

20 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

21 (105 ILCS 5/34-18.61 new)

22 Sec. 34-18.61. Sexual abuse investigations at schools. The
23 school district must adopt and implement a policy addressing
24 sexual abuse investigations at schools consistent with Section
25 22-85.

1 (105 ILCS 5/34-85) (from Ch. 122, par. 34-85)

2 Sec. 34-85. Removal for cause; notice and hearing;
3 suspension.

4 (a) No teacher employed by the board of education shall
5 (after serving the probationary period specified in Section
6 34-84) be removed except for cause. Teachers (who have
7 completed the probationary period specified in Section 34-84 of
8 this Code) shall be removed for cause in accordance with the
9 procedures set forth in this Section or, at the board's option,
10 the procedures set forth in Section 24-16.5 of this Code or
11 such other procedures established in an agreement entered into
12 between the board and the exclusive representative of the
13 district's teachers under Section 34-85c of this Code for
14 teachers (who have completed the probationary period specified
15 in Section 34-84 of this Code) assigned to schools identified
16 in that agreement. No principal employed by the board of
17 education shall be removed during the term of his or her
18 performance contract except for cause, which may include but is
19 not limited to the principal's repeated failure to implement
20 the school improvement plan or to comply with the provisions of
21 the Uniform Performance Contract, including additional
22 criteria established by the Council for inclusion in the
23 performance contract pursuant to Section 34-2.3.

24 Before service of notice of charges on account of causes
25 that may be deemed to be remediable, the teacher or principal

1 must be given reasonable warning in writing, stating
2 specifically the causes that, if not removed, may result in
3 charges; however, no such written warning is required if the
4 causes have been the subject of a remediation plan pursuant to
5 Article 24A of this Code or if the board and the exclusive
6 representative of the district's teachers have entered into an
7 agreement pursuant to Section 34-85c of this Code, pursuant to
8 an alternative system of remediation. No written warning shall
9 be required for conduct on the part of a teacher or principal
10 that is cruel, immoral, negligent, or criminal or that in any
11 way causes psychological or physical harm or injury to a
12 student, as that conduct is deemed to be irremediable. No
13 written warning shall be required for a material breach of the
14 uniform principal performance contract, as that conduct is
15 deemed to be irremediable; provided that not less than 30 days
16 before the vote of the local school council to seek the
17 dismissal of a principal for a material breach of a uniform
18 principal performance contract, the local school council shall
19 specify the nature of the alleged breach in writing and provide
20 a copy of it to the principal.

21 (1) To initiate dismissal proceedings against a
22 teacher or principal, the general superintendent must
23 first approve written charges and specifications against
24 the teacher or principal. A local school council may direct
25 the general superintendent to approve written charges
26 against its principal on behalf of the Council upon the

1 vote of 7 members of the Council. The general
2 superintendent must approve those charges within 45
3 calendar days or provide a written reason for not approving
4 those charges. A written notice of those charges, including
5 specifications, shall be served upon the teacher or
6 principal within 10 business days of the approval of the
7 charges. Any written notice sent on or after July 1, 2012
8 shall also inform the teacher or principal of the right to
9 request a hearing before a mutually selected hearing
10 officer, with the cost of the hearing officer split equally
11 between the teacher or principal and the board, or a
12 hearing before a qualified hearing officer chosen by the
13 general superintendent, with the cost of the hearing
14 officer paid by the board. If the teacher or principal
15 cannot be found upon diligent inquiry, such charges may be
16 served upon him by mailing a copy thereof in a sealed
17 envelope by prepaid certified mail, return receipt
18 requested, to the teacher's or principal's last known
19 address. A return receipt showing delivery to such address
20 within 20 calendar days after the date of the approval of
21 the charges shall constitute proof of service.

22 (2) No hearing upon the charges is required unless the
23 teacher or principal within 17 calendar days after
24 receiving notice requests in writing of the general
25 superintendent that a hearing be scheduled. Pending the
26 hearing of the charges, the general superintendent or his

1 or her designee may suspend the teacher or principal
2 charged without pay in accordance with rules prescribed by
3 the board, provided that if the teacher or principal
4 charged is not dismissed based on the charges, he or she
5 must be made whole for lost earnings, less setoffs for
6 mitigation.

7 (3) The board shall maintain a list of at least 9
8 qualified hearing officers who will conduct hearings on
9 charges and specifications. The list must be developed in
10 good faith consultation with the exclusive representative
11 of the board's teachers and professional associations that
12 represent the board's principals. The list may be revised
13 on July 1st of each year or earlier as needed. To be a
14 qualified hearing officer, the person must (i) be
15 accredited by a national arbitration organization and have
16 had a minimum of 5 years of experience as an arbitrator in
17 cases involving labor and employment relations matters
18 between employers and employees or their exclusive
19 bargaining representatives and (ii) beginning September 1,
20 2012, have participated in training provided or approved by
21 the State Board of Education for teacher dismissal hearing
22 officers so that he or she is familiar with issues
23 generally involved in evaluative and non-evaluative
24 dismissals.

25 Within 5 business days after receiving the notice of
26 request for a hearing, the general superintendent and the

1 teacher or principal or their legal representatives shall
2 alternately strike one name from the list until only one
3 name remains. Unless waived by the teacher, the teacher or
4 principal shall have the right to proceed first with the
5 striking. If the teacher or principal fails to participate
6 in the striking process, the general superintendent shall
7 either select the hearing officer from the list developed
8 pursuant to this paragraph (3) or select another qualified
9 hearing officer from the master list maintained by the
10 State Board of Education pursuant to subsection (c) of
11 Section 24-12 of this Code.

12 (4) If the notice of dismissal was sent to the teacher
13 or principal before July 1, 2012, the fees and costs for
14 the hearing officer shall be paid by the State Board of
15 Education. If the notice of dismissal was sent to the
16 teacher or principal on or after July 1, 2012, the hearing
17 officer's fees and costs must be paid as follows in this
18 paragraph (4). The fees and permissible costs for the
19 hearing officer shall be determined by the State Board of
20 Education. If the hearing officer is mutually selected by
21 the parties through alternate striking in accordance with
22 paragraph (3) of this subsection (a), then the board and
23 the teacher or their legal representative shall each pay
24 50% of the fees and costs and any supplemental allowance to
25 which they agree. If the hearing officer is selected by the
26 general superintendent without the participation of the

1 teacher or principal, then the board shall pay 100% of the
2 hearing officer fees and costs. The hearing officer shall
3 submit for payment a billing statement to the parties that
4 itemizes the charges and expenses and divides them in
5 accordance with this Section.

6 (5) The teacher or the principal charged is required to
7 answer the charges and specifications and aver affirmative
8 matters in his or her defense, and the time for doing so
9 must be set by the hearing officer. The State Board of
10 Education shall adopt rules so that each party has a fair
11 opportunity to present its case and to ensure that the
12 dismissal proceeding is concluded in an expeditious
13 manner. The rules shall address, without limitation, the
14 teacher or principal's answer and affirmative defenses to
15 the charges and specifications; a requirement that each
16 party make mandatory disclosures without request to the
17 other party and then update the disclosure no later than 10
18 calendar days prior to the commencement of the hearing,
19 including a list of the names and addresses of persons who
20 may be called as witnesses at the hearing, a summary of the
21 facts or opinions each witness will testify to, and all
22 other documents and materials, including information
23 maintained electronically, relevant to its own as well as
24 the other party's case (the hearing officer may exclude
25 witnesses and exhibits not identified and shared, except
26 those offered in rebuttal for which the party could not

1 reasonably have anticipated prior to the hearing);
2 pre-hearing discovery and preparation, including provision
3 for written interrogatories and requests for production of
4 documents, provided that discovery depositions are
5 prohibited; the conduct of the hearing; the right of each
6 party to be represented by counsel, the offer of evidence
7 and witnesses and the cross-examination of witnesses; the
8 authority of the hearing officer to issue subpoenas and
9 subpoenas duces tecum, provided that the hearing officer
10 may limit the number of witnesses to be subpoenaed in
11 behalf of each party to no more than 7; the length of
12 post-hearing briefs; and the form, length, and content of
13 hearing officers' reports and recommendations to the
14 general superintendent.

15 The hearing officer shall commence the hearing within
16 75 calendar days and conclude the hearing within 120
17 calendar days after being selected by the parties as the
18 hearing officer, provided that these timelines may be
19 modified upon the showing of good cause or mutual agreement
20 of the parties. Good cause for the purposes of this
21 paragraph (5) shall mean the illness or otherwise
22 unavoidable emergency of the teacher, district
23 representative, their legal representatives, the hearing
24 officer, or an essential witness as indicated in each
25 party's pre-hearing submission. In a dismissal hearing in
26 which a witness is a student or is under the age of 18, the

1 hearing officer must make accommodations for the witness,
2 as provided under paragraph (5.5) of this subsection. The
3 ~~the~~ hearing officer shall consider and give weight to all
4 of the teacher's evaluations written pursuant to Article
5 24A that are relevant to the issues in the hearing. Except
6 as otherwise provided under paragraph (5.5) of this
7 subsection, the ~~The~~ teacher or principal has the privilege
8 of being present at the hearing with counsel and of
9 cross-examining witnesses and may offer evidence and
10 witnesses and present defenses to the charges. Each party
11 shall have no more than 3 days to present its case, unless
12 extended by the hearing officer to enable a party to
13 present adequate evidence and testimony, including due to
14 the other party's cross-examination of the party's
15 witnesses, for good cause or by mutual agreement of the
16 parties. The State Board of Education shall define in rules
17 the meaning of "day" for such purposes. All testimony at
18 the hearing shall be taken under oath administered by the
19 hearing officer. The hearing officer shall cause a record
20 of the proceedings to be kept and shall employ a competent
21 reporter to take stenographic or stenotype notes of all the
22 testimony. The costs of the reporter's attendance and
23 services at the hearing shall be paid by the party or
24 parties who are paying the fees and costs of the hearing
25 officer. Either party desiring a transcript of the hearing
26 shall pay for the cost thereof. At the close of the

1 hearing, the hearing officer shall direct the parties to
2 submit post-hearing briefs no later than 21 calendar days
3 after receipt of the transcript. Either or both parties may
4 waive submission of briefs.

5 (5.5) In the case of charges involving physical or
6 sexual contact with a student or a person under the age of
7 18, the hearing officer shall make alternative hearing
8 procedures to protect a witness who is a student or who is
9 under the age of 18 from being intimidated or traumatized.
10 Alternative hearing procedures may include, but are not
11 limited to: (i) testimony made via a telecommunication
12 device in a location other than the hearing room and
13 outside the physical presence of the teacher or the
14 principal and other hearing participants, (ii) testimony
15 outside the physical presence of the teacher or the
16 principal, or (iii) non-public testimony. A hearing
17 officer shall admit an out-of-court statement made by a
18 witness who is student or a person under the age of 18 if
19 the statement concerns the teacher's or the principal's
20 physical or sexual contact with the witness. The
21 availability of the witness shall not bar the admission of
22 the out-of-court statement into evidence. The hearing
23 officer shall determine the weight to be afforded the
24 statement based on an assessment of various indicia of its
25 reliability.

26 (6) The hearing officer shall within 30 calendar days

1 from the conclusion of the hearing report to the general
2 superintendent findings of fact and a recommendation as to
3 whether or not the teacher or principal shall be dismissed
4 and shall give a copy of the report to both the teacher or
5 principal and the general superintendent. The State Board
6 of Education shall provide by rule the form of the hearing
7 officer's report and recommendation.

8 (7) The board, within 45 days of receipt of the hearing
9 officer's findings of fact and recommendation, shall make a
10 decision as to whether the teacher or principal shall be
11 dismissed from its employ. The failure of the board to
12 strictly adhere to the timeliness contained herein shall
13 not render it without jurisdiction to dismiss the teacher
14 or principal. In the event that the board declines to
15 dismiss the teacher or principal after review of a hearing
16 officer's recommendation, the board shall set the amount of
17 back pay and benefits to award the teacher or principal,
18 which shall include offsets for interim earnings and
19 failure to mitigate losses. The board shall establish
20 procedures for the teacher's or principal's submission of
21 evidence to it regarding lost earnings, lost benefits,
22 mitigation, and offsets. The decision of the board is final
23 unless reviewed in accordance with paragraph (8) of this
24 subsection (a).

25 (8) The teacher may seek judicial review of the board's
26 decision in accordance with the Administrative Review Law,

1 which is specifically incorporated in this Section, except
2 that the review must be initiated in the Illinois Appellate
3 Court for the First District. In the event judicial review
4 is instituted, any costs of preparing and filing the record
5 of proceedings shall be paid by the party instituting the
6 review. In the event the appellate court reverses a board
7 decision to dismiss a teacher or principal and directs the
8 board to pay the teacher or the principal back pay and
9 benefits, the appellate court shall remand the matter to
10 the board to issue an administrative decision as to the
11 amount of back pay and benefits, which shall include a
12 calculation of the lost earnings, lost benefits,
13 mitigation, and offsets based on evidence submitted to the
14 board in accordance with procedures established by the
15 board.

16 (b) Nothing in this Section affects the validity of removal
17 for cause hearings commenced prior to June 13, 2011 (the
18 effective date of Public Act 97-8).

19 The changes made by Public Act 97-8 shall apply to
20 dismissals instituted on or after September 1, 2011 or the
21 effective date of Public Act 97-8, whichever is later. Any
22 dismissal instituted prior to the effective date of these
23 changes must be carried out in accordance with the requirements
24 of this Section prior to amendment by Public Act 97-8.

25 (Source: P.A. 99-78, eff. 7-20-15.)

1 Section 10. The Personnel Record Review Act is amended by
2 changing Sections 8 and 9 as follows:

3 (820 ILCS 40/8) (from Ch. 48, par. 2008)

4 Sec. 8. An employer shall review a personnel record before
5 releasing information to a third party and, except when the
6 release is ordered to a party in a legal action or arbitration,
7 delete disciplinary reports, letters of reprimand, or other
8 records of disciplinary action which are more than 4 years old.
9 This Section does not apply to a school district or an
10 authorized employee or agent of a school district who is
11 responding to an inquiry from a prospective employer.

12 (Source: P.A. 83-1104.)

13 (820 ILCS 40/9) (from Ch. 48, par. 2009)

14 Sec. 9. An employer shall not gather or keep a record of an
15 employee's associations, political activities, publications,
16 communications or nonemployment activities, unless the
17 employee submits the information in writing or authorizes the
18 employer in writing to keep or gather the information. This
19 prohibition shall not apply to (i) activities or associations
20 with individuals or groups involved in the physical, sexual, or
21 other exploitation of a minor or (ii) the activities that occur
22 on the employer's premises or during the employee's working
23 hours with that employer which interfere with the performance
24 of the employee's duties or the duties of other employees or

1 activities, regardless of when and where occurring, which
2 constitute criminal conduct or may reasonably be expected to
3 harm the employer's property, operations or business, or could
4 by the employee's action cause the employer financial
5 liability. A record which is kept by the employer as permitted
6 under this Section shall be part of the personnel record.
7 (Source: P.A. 91-357, eff. 7-29-99.)

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