



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1975

Introduced 2/17/2021, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.182 new	
105 ILCS 5/3-11	from Ch. 122, par. 3-11
105 ILCS 5/10-19.1	from Ch. 122, par. 10-19.1
105 ILCS 5/10-23.13	
105 ILCS 5/21B-45	
105 ILCS 5/22-85.5 new	
105 ILCS 5/22-90 new	
105 ILCS 5/27-9.1	from Ch. 122, par. 27-9.1
105 ILCS 5/27A-5	
720 ILCS 5/11-1.20	was 720 ILCS 5/12-13
720 ILCS 5/11-1.60	was 720 ILCS 5/12-16
720 ILCS 5/11-25	

Amends the School Code to require the State Board of Education to prepare a parent resource guide to provide a centralized source of the assistance, support, advocacy, and resources available to the parent or guardian of a student who is or may be the victim of sexual abuse. Provides for up to 2 teachers institute days for child abuse prevention training and sexual harassment prevention training, and requires training for school personnel on child sexual abuse. Provides for professional development opportunities concerning the well-being of students. Adds provisions concerning sexual misconduct in schools, including requiring a school district to develop a code of conduct, an employment history review, and what a sex education class must teach. Amends the Criminal Code of 2012 to add certain acts to the offenses of criminal sexual assault, aggravated criminal sexual abuse, and grooming. Effective immediately.

LRB102 16364 CMG 21751 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning children.

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

4 Section 1. This Act may be referred to as Faith's Law.

5 Section 5. The School Code is amended by adding Sections
6 2-3.182, 22-85.5, and 22-90 and by changing Sections 3-11,
7 10-19.1, 10-23.13, 21B-45, 27-9.1, and 27A-5 and as follows:

8 (105 ILCS 5/2-3.182 new)

9 Sec. 2-3.182. Parent resource guide.

10 (a) To provide a centralized source of the assistance,
11 support, advocacy, and resources available to the parent or
12 guardian of a student who is or may be the victim of sexual
13 abuse, the State Board of Education shall prepare and make
14 available to all public and nonpublic schools a parent
15 resource guide in both English and Spanish. The parent
16 resource guide shall, at a minimum, provide all of the
17 following information:

18 (1) Contact information, the location, and a list of
19 the services provided by or available through qualified
20 children's advocacy centers.

21 (2) Contact information and a list of the services
22 offered by organizations that provide medical evaluations

1 and treatment to victims of child sexual abuse.

2 (3) Contact information and a list of the services
3 offered by organizations that provide mental health
4 evaluations and services to victims and the families of
5 victims of child sexual abuse.

6 (4) Contact information of organizations that offer
7 legal assistance to and provide advocacy on behalf of
8 victims of child sexual abuse.

9 The parent resource guide shall include checklists, flow
10 charts, and narratives to assist parents and guardians in
11 accessing and understanding the information.

12 (b) The parent resource guide shall be made available to
13 schools before the beginning of each school year. At the
14 beginning of the school year, each public and nonpublic school
15 shall notify the parents or guardians of students enrolled at
16 the school of the availability of the parent resource guide.
17 The school shall furnish the parent resource guide to a
18 student's parent or guardian at the request of the parent or
19 guardian. A school may also make the parent resource guide
20 available on its Internet website.

21 (c) The State Board of Education shall annually review the
22 information contained in the parent resource guide and update
23 the information as necessary.

24 (105 ILCS 5/3-11) (from Ch. 122, par. 3-11)

25 Sec. 3-11. Institutes or inservice training workshops. In

1 counties of less than 2,000,000 inhabitants, the regional
2 superintendent may arrange for or conduct district, regional,
3 or county institutes, or equivalent professional educational
4 experiences, not more than 6 4 days annually. Of those 6 4
5 days, 2 days may be used as a teacher's and educational support
6 personnel workshop, when approved by the regional
7 superintendent, up to 2 days may be used for conducting
8 parent-teacher conferences, ~~or~~ up to 2 days may be utilized as
9 parental institute days as provided in Section 10-22.18d, or
10 up to 2 days may be utilized for child abuse prevention
11 training and sexual harassment prevention training.
12 Educational support personnel may be exempt from a workshop if
13 the workshop is not relevant to the work they do. A school
14 district may use one of its 6 4 institute days on the last day
15 of the school term. "Institute" or "Professional educational
16 experiences" means any educational gathering, demonstration of
17 methods of instruction, visitation of schools or other
18 institutions or facilities, sexual abuse and sexual assault
19 awareness seminar, or training in First Aid (which may include
20 cardiopulmonary resuscitation or defibrillator training) held
21 or approved by the regional superintendent and declared by him
22 to be an institute day, or parent-teacher conferences. With
23 the concurrence of the State Superintendent of Education, he
24 or she may employ such assistance as is necessary to conduct
25 the institute. Two or more adjoining counties may jointly hold
26 an institute. Institute instruction shall be free to holders

1 of licenses good in the county or counties holding the
2 institute and to those who have paid an examination fee and
3 failed to receive a license.

4 In counties of 2,000,000 or more inhabitants, the regional
5 superintendent may arrange for or conduct district, regional,
6 or county inservice training workshops, or equivalent
7 professional educational experiences, not more than 6 ~~4~~ days
8 annually. Of those 6 ~~4~~ days, 2 days may be used as a teacher's
9 and educational support personnel workshop, when approved by
10 the regional superintendent, up to 2 days may be used for
11 conducting parent-teacher conferences, ~~or~~ up to 2 days may be
12 utilized as parental institute days as provided in Section
13 10-22.18d, or up to 2 days may be utilized for child abuse
14 prevention training and sexual harassment prevention training.
15 Educational support personnel may be exempt from a workshop if
16 the workshop is not relevant to the work they do. A school
17 district may use one of those 6 ~~4~~ days on the last day of the
18 school term. "Inservice Training Workshops" or "Professional
19 educational experiences" means any educational gathering,
20 demonstration of methods of instruction, visitation of schools
21 or other institutions or facilities, sexual abuse and sexual
22 assault awareness seminar, or training in First Aid (which may
23 include cardiopulmonary resuscitation or defibrillator
24 training) held or approved by the regional superintendent and
25 declared by him to be an inservice training workshop, or
26 parent-teacher conferences. With the concurrence of the State

1 Superintendent of Education, he may employ such assistance as
2 is necessary to conduct the inservice training workshop. With
3 the approval of the regional superintendent, 2 or more
4 adjoining districts may jointly hold an inservice training
5 workshop. In addition, with the approval of the regional
6 superintendent, one district may conduct its own inservice
7 training workshop with subject matter consultants requested
8 from the county, State or any State institution of higher
9 learning.

10 Such teachers institutes as referred to in this Section
11 may be held on consecutive or separate days at the option of
12 the regional superintendent having jurisdiction thereof.

13 Whenever reference is made in this Act to "teachers
14 institute", it shall be construed to include the inservice
15 training workshops or equivalent professional educational
16 experiences provided for in this Section.

17 Any institute advisory committee existing on April 1,
18 1995, is dissolved and the duties and responsibilities of the
19 institute advisory committee are assumed by the regional
20 office of education advisory board.

21 Districts providing inservice training programs shall
22 constitute inservice committees, 1/2 of which shall be
23 teachers, 1/4 school service personnel and 1/4 administrators
24 to establish program content and schedules.

25 The teachers institutes shall include teacher training
26 committed to (i) peer counseling programs and other

1 anti-violence and conflict resolution programs, including
2 without limitation programs for preventing at risk students
3 from committing violent acts, and (ii) educator ethics and
4 teacher-student conduct. Beginning with the 2009-2010 school
5 year, the teachers institutes shall include instruction on
6 prevalent student chronic health conditions. Beginning with
7 the 2016-2017 school year, the teachers institutes shall
8 include, at least once every 2 years, instruction on the
9 federal Americans with Disabilities Act as it pertains to the
10 school environment.

11 Beginning with the 2021-2022 school year, the teachers
12 institutes shall include instruction and training on the
13 prevention of child abuse, the prevention of child sexual
14 abuse, and the prevention of sexual harassment. The
15 instruction and training must include, at a minimum, the
16 following elements:

17 (1) A review of the likely warning signs indicating
18 that a child may be the victim of sexual abuse. Because the
19 abuse of a child is usually committed in isolation, there
20 are warning signs exhibited by an abused child of which
21 school personnel should be aware.

22 (2) A review of the boundary-violating behaviors that
23 may be displayed or exhibited by perpetrators of child
24 abuse, including such behaviors as grooming and coercive
25 behavior by an adult or a student.

26 (3) A discussion that sexual conduct between school

1 personnel and students is criminal, with a review of the
2 relevant criminal statutes.

3 (4) A discussion about the circumstances or situations
4 in which grooming is a criminal activity, with a review of
5 the relevant criminal statute.

6 (5) A discussion emphasizing that violations of
7 professional boundaries give the appearance of impropriety
8 and may be indicators of potential or ongoing abuse, with
9 a review of the definitions of sexual harassment, sexual
10 misconduct, grooming, and the school code of conduct.

11 (6) A discussion concerning how an atmosphere of
12 awareness and a commitment to identify and report abuse
13 helps protect students from abuse and misconduct, with a
14 review of the State and federal reporting requirements
15 with respect to child abuse and Title IX requirements
16 regarding the protection of students in schools from
17 sexual abuse and misconduct. The discussion shall address
18 the fear of reporting a colleague, as well as the fear of
19 reporting possible sexual abuse committed by a student.

20 These elements may overlap similar elements or topics
21 covered in other required instruction and training for school
22 personnel. Compliance for more than one required course of
23 instruction or training may be satisfied if all required
24 elements or topics are satisfied in a single course.

25 (Source: P.A. 99-30, eff. 7-10-15; 99-616, eff. 7-22-16.)

1 (105 ILCS 5/10-19.1) (from Ch. 122, par. 10-19.1)

2 Sec. 10-19.1. Full year school plan.

3 (a) Any school district may, by resolution of its board,
4 operate one or more schools within the district on a full year
5 school plan approved by the State Board of Education. Any
6 board which operates under this subsection (a) shall devise a
7 plan so that a student's required attendance in school shall
8 be for a minimum term of 180 days of actual attendance,
9 including not more than 6 ~~4~~ institute days, during a 12 month
10 period, but shall not exceed 185 days. Under such plan, no
11 teacher shall be required to teach more than 185 days. A
12 calendar of 180 days may be established with the approval of
13 the State Board of Education.

14 (b) Any school board that operates one or more schools
15 within the school district on a pilot full-year school plan
16 under subsection (a-5) of Section 2-3.25f of this Code shall
17 devise a plan so that a student's required attendance in
18 school shall be for a minimum term of 215 days of actual
19 attendance, including not more than 6 ~~4~~ institute days, during
20 a 12-month period. A calendar of 215 days may be established
21 with the approval of the State Board of Education.

22 (Source: P.A. 97-370, eff. 1-1-12.)

23 (105 ILCS 5/10-23.13)

24 Sec. 10-23.13. Policies addressing sexual abuse.

25 (a) To adopt and implement a policy addressing sexual

1 abuse of children that may include age-appropriate curriculum
2 for students in pre-K through 5th grade; training for school
3 personnel on child sexual abuse; educational information to
4 parents or guardians provided in the school handbook on the
5 warning signs of a child being abused, along with any needed
6 assistance, referral, or resource information; available
7 counseling and resources for students affected by sexual
8 abuse; and emotional and educational support for a child of
9 abuse to continue to be successful in school.

10 Any policy adopted may address without limitation:

11 (1) methods for increasing teacher, student, and
12 parent awareness of issues regarding sexual abuse of
13 children, including knowledge of likely warning signs
14 indicating that a child may be a victim of sexual abuse;

15 (2) actions that a child who is a victim of sexual
16 abuse should take to obtain assistance and intervention;
17 and

18 (3) available counseling options for students affected
19 by sexual abuse.

20 (b) A school board must provide training for school
21 personnel on child sexual abuse as described in subsection (a)
22 no later than January 31 of each year. Subject to
23 appropriation, the State Board of Education shall:

24 (1) ensure that adequate funding is available to each
25 school district to implement and provide the training; and

26 (2) monitor and enforce training implementation and

1 compliance in cooperation with the applicable regional
2 office of education.

3 (c) This Section may be referred to as Erin's Law.

4 (Source: P.A. 96-1524, eff. 2-14-11.)

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,
13 unless otherwise provided in this Code. If an individual holds
14 a 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

1 (i) payment by the applicant of a \$500 penalty to the State
2 Board 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
6 endorsement areas. Any and all back fees, including without
7 limitation registration fees owed from the time of expiration
8 of the license until the date of reinstatement, shall be paid
9 and kept in accordance with the provisions in Article 3 of this
10 Code concerning an institute fund and the provisions in
11 Article 21B of this Code concerning fees and requirements for
12 registration. Licenses not registered in accordance with
13 Section 21B-40 of this Code shall lapse after a period of 6
14 months from the expiration of the last year of registration or
15 on January 1 of the fiscal year following initial issuance of
16 the license. An unregistered license is invalid after
17 September 1 for employment and performance of services in an
18 Illinois public or State-operated school or cooperative and in
19 a charter school. Any license or endorsement may be
20 voluntarily surrendered by the license holder. A voluntarily
21 surrendered license shall be treated as a revoked license. An
22 Educator License with Stipulations with only a
23 paraprofessional endorsement does not lapse.

24 (c) From July 1, 2013 through June 30, 2014, in order to
25 satisfy the requirements for licensure renewal provided for in
26 this Section, each professional educator licensee with an

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

5 (c-5) All licenses issued by the State Board of Education
6 under this Article that expire on June 30, 2020 and have not
7 been renewed by the end of the 2020 renewal period shall be
8 extended for one year and shall expire on June 30, 2021.

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

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

25 (1) activities are of a type that engage participants
26 over a sustained period of time allowing for analysis,

1 discovery, and application as they relate to student
2 learning, social or emotional achievement, or well-being;

3 (2) professional development aligns to the licensee's
4 performance;

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

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

8 (5) higher education coursework.

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

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

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

1 Academy course within one year after returning to a
2 position that requires the administrative endorsement.

3 (3) Any licensee with an administrative endorsement
4 who is working in a position requiring such endorsement or
5 an individual with a Teacher Leader endorsement serving in
6 an administrative capacity at least 50% of the day shall
7 complete one Illinois Administrators' Academy course, as
8 described in Article 2 of this Code, each fiscal year in
9 addition to 100 hours of professional development per
10 5-year renewal cycle in accordance with this Code.

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

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

22 (6) Licensees who are retired and qualify for benefits
23 from a State of Illinois retirement system shall notify
24 the State Board of Education using ELIS, and the license
25 shall be maintained in retired status. For any renewal
26 cycle in which a licensee retires during the renewal

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

26 (7) For any renewal cycle in which professional

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

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

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

1 extension is approved, the license shall remain valid
2 during the extension period.

3 (10) Individuals who hold exempt licenses prior to
4 December 27, 2013 (the effective date of Public Act
5 98-610) shall commence the annual renewal process with the
6 first scheduled registration due after December 27, 2013
7 (the effective date of Public Act 98-610).

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

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

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

1 has lapsed under this subsection may be reinstated as provided
2 in subsection (b).

3 (g) The following entities shall be designated as approved
4 to provide professional development activities for the renewal
5 of Professional Educator Licenses:

6 (1) The State Board of Education.

7 (2) Regional offices of education and intermediate
8 service centers.

9 (3) Illinois professional associations representing
10 the following groups that are approved by the State
11 Superintendent of Education:

12 (A) school administrators;

13 (B) principals;

14 (C) school business officials;

15 (D) teachers, including special education
16 teachers;

17 (E) school boards;

18 (F) school districts;

19 (G) parents; and

20 (H) school service personnel.

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

25 (5) Illinois public school districts, charter schools
26 authorized under Article 27A of this Code, and joint

1 educational programs authorized under Article 10 of this
2 Code for the purposes of providing career and technical
3 education or special education services.

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

10 (7) State agencies, State boards, and State
11 commissions.

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

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

17 (1) increase the knowledge and skills of school and
18 district leaders who guide continuous professional
19 development;

20 (2) improve the learning of students;

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

23 (4) deepen educator's content knowledge;

24 (5) provide educators with research-based
25 instructional strategies to assist students in meeting
26 rigorous academic standards;

1 (6) prepare educators to appropriately use various
2 types of classroom assessments;

3 (7) use learning strategies appropriate to the
4 intended goals;

5 (8) provide educators with the knowledge and skills to
6 collaborate;

7 (9) prepare educators to apply research to decision
8 making; ~~or~~

9 (10) provide educators with training on inclusive
10 practices in the classroom that examines instructional and
11 behavioral strategies that improve academic and
12 social-emotional outcomes for all students, with or
13 without disabilities, in a general education setting; or-

14 (11) provide educators with training on the physical
15 and mental health needs of students, student safety,
16 educator ethics, and other topics that address the
17 well-being of students and improve the academic and
18 social-emotional outcomes of students.

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

21 (1) align professional development activities to the
22 State-approved national standards for professional
23 learning;

24 (2) meet the professional development criteria for
25 Illinois licensure renewal;

26 (3) produce a rationale for the activity that explains

1 how it aligns to State standards and identify the
2 assessment for determining the expected impact on student
3 learning or school improvement;

4 (4) maintain original documentation for completion of
5 activities;

6 (5) provide license holders with evidence of
7 completion of activities;

8 (6) request an Illinois Educator Identification Number
9 (IEIN) for each educator during each professional
10 development activity; and

11 (7) beginning on July 1, 2019, register annually with
12 the State Board of Education prior to offering any
13 professional development opportunities in the current
14 fiscal year.

15 (j) The State Board of Education shall conduct annual
16 audits of a subset of approved providers, except for school
17 districts, which shall be audited by regional offices of
18 education and intermediate service centers. The State Board of
19 Education shall ensure that each approved provider, except for
20 a school district, is audited at least once every 5 years. The
21 State Board of Education may conduct more frequent audits of
22 providers if evidence suggests the requirements of this
23 Section or administrative rules are not being met.

24 (1) (Blank).

25 (2) Approved providers shall comply with the
26 requirements in subsections (h) and (i) of this Section by

1 annually submitting data to the State Board of Education
2 demonstrating how the professional development activities
3 impacted one or more of the following:

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

6 (B) educator and student social and emotional
7 growth; or

8 (C) alignment to district or school improvement
9 plans.

10 (3) The State Superintendent of Education shall review
11 the annual data collected by the State Board of Education,
12 regional offices of education, and intermediate service
13 centers in audits to determine if the approved provider
14 has met the criteria and should continue to be an approved
15 provider or if further action should be taken as provided
16 in rules.

17 (k) Registration fees shall be paid for the next renewal
18 cycle between April 1 and June 30 in the last year of each
19 5-year renewal cycle using ELIS. If all required professional
20 development hours for the renewal cycle have been completed
21 and entered by the licensee, the licensee shall pay the
22 registration fees for the next cycle using a form of credit or
23 debit card.

24 (1) Any professional educator licensee endorsed for school
25 support personnel who is employed and performing services in
26 Illinois public schools and who holds an active and current

1 professional license issued by the Department of Financial and
2 Professional Regulation or a national certification board, as
3 approved by the State Board of Education, related to the
4 endorsement areas on the Professional Educator License shall
5 be deemed to have satisfied the continuing professional
6 development requirements provided for in this Section. Such
7 individuals shall be required to pay only registration fees to
8 renew the Professional Educator License. An individual who
9 does not hold a license issued by the Department of Financial
10 and Professional Regulation shall complete professional
11 development requirements for the renewal of a Professional
12 Educator License provided for in this Section.

13 (m) Appeals to the State Educator Preparation and
14 Licensure Board must be made within 30 days after receipt of
15 notice from the State Superintendent of Education that a
16 license will not be renewed based upon failure to complete the
17 requirements of this Section. A licensee may appeal that
18 decision to the State Educator Preparation and Licensure Board
19 in a manner prescribed by rule.

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

24 (2) The State Educator Preparation and Licensure Board
25 shall review each appeal regarding renewal of a license
26 within 90 days after receiving the appeal in order to

1 determine whether the licensee has met the requirements of
2 this Section. The State Educator Preparation and Licensure
3 Board may hold an appeal hearing or may make its
4 determination based upon the record of review, which shall
5 consist of the following:

6 (A) the regional superintendent of education's
7 rationale for recommending nonrenewal of the license,
8 if applicable;

9 (B) any evidence submitted to the State
10 Superintendent along with the individual's electronic
11 statement of assurance for renewal; and

12 (C) the State Superintendent's rationale for
13 nonrenewal of the license.

14 (3) The State Educator Preparation and Licensure Board
15 shall notify the licensee of its decision regarding
16 license renewal by certified mail, return receipt
17 requested, no later than 30 days after reaching a
18 decision. Upon receipt of notification of renewal, the
19 licensee, using ELIS, shall pay the applicable
20 registration fee for the next cycle using a form of credit
21 or debit card.

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

24 (Source: P.A. 100-13, eff. 7-1-17; 100-339, eff. 8-25-17;
25 100-596, eff. 7-1-18; 100-863, eff. 8-14-18; 101-85, eff.
26 1-1-20; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20.)

1 (105 ILCS 5/22-85.5 new)

2 Sec. 22-85.5. Sexual misconduct in schools.

3 (a) The General Assembly finds that:

4 (1) the success of students in school relies on safe
5 learning environments and healthy relationships with
6 school personnel;

7 (2) it is important to define boundary violations to
8 protect students from sexual misconduct and staff from the
9 appearance of impropriety;

10 (3) many breaches of professional boundaries do not
11 rise to the level of criminal behavior but do pose a
12 potential risk to student safety;

13 (4) repeated violations of staff-student boundaries
14 can indicate the grooming of a student for sexual abuse;

15 (5) to prevent abuse from occurring instead of merely
16 reporting that it has occurred, it is necessary to
17 establish a code of conduct to outline reportable
18 disciplinary offenses;

19 (6) to protect students, a school district must have
20 the ability to discipline for breaches of its code of
21 conduct;

22 (7) a school district must have the ability to know if
23 any of its educators have violated professional
24 staff-student boundaries in previous employment; and

25 (8) as bystanders, educators may have knowledge of

1 concerning behaviors that no one else is aware of, so they
2 need adequate training on sexual abuse, the code of
3 conduct, and federal and State reporting requirements.

4 (b) In this Section, "sexual misconduct" means any act,
5 including, but not limited to, any verbal, nonverbal, written,
6 or electronic communication or physical activity, directed
7 toward or with a student that is designed to establish a
8 romantic or sexual relationship with the student. Such an act
9 includes, but is not limited to, any of the following:

10 (1) A sexual or romantic invitation.

11 (2) Dating or soliciting a date.

12 (3) Engaging in sexualized or romantic dialog.

13 (4) Making sexually suggestive comments.

14 (5) Self-disclosure or physical exposure of a sexual,
15 romantic, or erotic nature.

16 (6) A sexual, indecent, romantic, or erotic contact
17 with the student.

18 (c) A school district shall develop a code of conduct to
19 prevent the sexual abuse of students by identifying acceptable
20 and unacceptable behavior concerning school district personnel
21 with respect to relationships between employees and students
22 and concerning relationships between students.

23 The school district's code of conduct and the reporting
24 requirements under subsection (i) must be included in the
25 district's staff and parent handbooks. The district's parent
26 handbook must also include references to the criminal statutes

1 regarding grooming, criminal sexual assault, and aggravated
2 criminal sexual abuse.

3 The school district shall make available to all students
4 an age-appropriate version of the code of conduct by posting
5 it on the district's Internet website and, if applicable, any
6 other area where policies, rules, and standards of conduct are
7 currently posted in each school and by including the
8 age-appropriate code of conduct in the district's student
9 handbook.

10 (d) A school district's code of conduct must include all
11 of the following:

12 (1) Defining appropriate and inappropriate physical
13 contact for the professional role of an employee.

14 (2) Defining appropriate and inappropriate emotional
15 boundaries between employees and students, with procedures
16 addressing the following:

17 (A) The format or types of communication between
18 employees and students.

19 (B) The giving of gifts.

20 (C) Avoiding overly familiar interactions and
21 favoritism.

22 (D) When it is appropriate to refer student
23 concerns to a counselor or other designated support
24 staff.

25 (3) Defining appropriate and inappropriate boundaries
26 outside of the classroom, including the following

1 situations:

2 (A) Meeting with a student before or after school
3 or outside of an authorized school activity.

4 (B) Visiting a residence.

5 (C) Sharing transportation.

6 (4) Defining the boundaries for virtual or remote
7 learning, including, but not limited to, describing safety
8 measures for one-on-one online meetings.

9 (e) A school district may develop campus-specific
10 procedures for professional boundaries, as long as the
11 procedure for each campus includes all of the elements listed
12 in subsection (d). For the purposes of this Section, a
13 campus-specific procedure is enforceable in the same manner as
14 a district-wide policy with regard to enabling a district to
15 discipline for violations of its code of conduct.

16 (f) The State Board of Education shall adopt rules that
17 address and provide examples of professional boundaries in the
18 Code of Ethics for Illinois Educators by expanding paragraph
19 (3) of subsection (a) of Section 22.20 of Title 23 of the
20 Illinois Administrative Code. The State Board may adopt
21 additional rules that address an educator's contribution
22 toward an atmosphere of awareness and a commitment to report
23 under subsection (a) of Section 22.20 of Title 23 of the
24 Illinois Administrative Code. The Code of Ethics for Illinois
25 Educators may be updated annually as appropriate, such as the
26 availability of new technology that warrants the further

1 clarification of professional boundaries.

2 (g) A school district's Title IX coordinator or his or her
3 designee shall record reports of violations of the district's
4 code of conduct involving relationships with students. Records
5 of these reports and of any subsequent investigation must be
6 housed in the district's Title IX office.

7 (h) A violation of a school district's code of conduct may
8 subject an employee to disciplinary action up to and including
9 dismissal from employment. Failure to report a violation of
10 the code of conduct may subject an employee to disciplinary
11 action up to and including dismissal from employment.

12 (i) A school district employee must report to the
13 Department of Children and Family Services and the district's
14 Title IX coordinator any act of sexual misconduct. If a school
15 board determines that a school district employee has committed
16 sexual misconduct, the school board may dismiss that employee
17 immediately upon that determination.

18 A school district employee must report to the Department
19 of Children and Family Services and the district's Title IX
20 coordinator any interaction or behavior that suggests that an
21 adult has or has had an inappropriately intimate relationship
22 with a student or may be grooming a student, even if the
23 employee does not have a reasonable suspicion that abuse is
24 occurring or has occurred, because sexual misconduct or a
25 violation of the district's code of conduct may or may not rise
26 to the level of abuse or neglect and the interaction or

1 behavior may be the only indicator of impending abuse or
2 ongoing abuse done in secret.

3 A school district employee must report to the Department
4 of Children and Family Services and the district's Title IX
5 coordinator any rumor or complaint of abuse, neglect,
6 grooming, or youth-on-youth criminal behavior because a rumor
7 may be the only actionable warning that a bystander receives
8 to make a report and to prevent or stop the abuse of a student.

9 Reporting to a supervisor does not satisfy the reporting
10 requirements of this subsection (i).

11 A school district's code of conduct must reference the
12 reporting requirements for mandated reporters and Title IX
13 coordinators.

14 (105 ILCS 5/22-90 new)

15 Sec. 22-90. Employment history review.

16 (a) This Section applies to all positions for employment
17 with a school or an independent contractor of a school
18 involving direct contact with children or students.

19 (b) In this Section:

20 "Abuse" means conduct that falls under the purview and
21 reporting requirements of the Abused and Neglected Child
22 Reporting Act and is directed toward or against a child or
23 student, regardless of the age of the child or student.

24 "Direct contact with children or students" means the
25 possibility of care, supervision, guidance, or control of

1 children or students or routine interaction with children or
2 students.

3 "School" means a public or nonpublic elementary or
4 secondary school.

5 "Sexual misconduct" means any act, including, but not
6 limited to, any verbal, nonverbal, written, or electronic
7 communication or physical activity, directed toward or with a
8 child or student, regardless of the age of the child or
9 student, that is designed to establish a romantic or sexual
10 relationship with the child or student. Such an act includes,
11 but is not limited to, any of the following:

12 (1) A sexual or romantic invitation.

13 (2) Dating or soliciting dates.

14 (3) Engaging in sexualized or romantic dialog.

15 (4) Making sexually suggestive comments.

16 (5) Self-disclosure or physical exposure of a sexual,
17 romantic, or erotic nature.

18 (6) Any sexual, indecent, romantic, or erotic contact
19 with a child or student.

20 (c) Before a school or independent contractor may offer
21 employment to an applicant who would be employed by or in a
22 school in a position involving direct contact with children or
23 students, the school or independent contractor shall do all of
24 the following:

25 (1) Require the applicant to provide all of the
26 following:

1 (A) A list, including the name, address, and
2 telephone number and other relevant contact
3 information, of:

4 (i) the applicant's current employer;

5 (ii) all former employers of the applicant
6 that were schools; and

7 (iii) all former employers of the applicant in
8 which the applicant was employed in a position
9 that involved direct contact with children or
10 students.

11 (B) A written authorization that consents to and
12 authorizes disclosure by the applicant's current and
13 former employers under subparagraph (A) of this
14 paragraph (1) of the information requested under
15 paragraph (2) of this subsection (c) and the release
16 of related records and that releases those employers
17 from any liability that may arise from such disclosure
18 or release of records pursuant to subsection (e).

19 (C) A written statement of whether the applicant:

20 (i) has been the subject of an abuse or sexual
21 misconduct investigation by an employer, State
22 licensing agency, law enforcement agency, or child
23 protective services agency, unless the
24 investigation resulted in a finding that an
25 allegation was false;

26 (ii) has ever been discharged from, been asked

1 to resign from, resigned from, or otherwise been
2 separated from any employment, has ever been
3 disciplined by an employer, or has ever had an
4 employment contract not renewed while an
5 allegation of abuse or sexual misconduct as
6 described in clause (i) of this subparagraph (C)
7 was pending or under investigation or due to an
8 adjudication or finding of abuse or sexual
9 misconduct as described in clause (i) of this
10 subparagraph (C); or

11 (iii) has ever had a license or certificate
12 suspended, surrendered, or revoked while an
13 allegation of abuse or sexual misconduct as
14 described in clause (i) of this subparagraph (C)
15 was pending or under investigation or due to an
16 adjudication or finding of abuse or sexual
17 misconduct as described in clause (i) of this
18 subparagraph (C).

19 (2) Conduct a review of the employment history of the
20 applicant by contacting those employers listed by the
21 applicant under subparagraph (A) of paragraph (1) of this
22 subsection (c) and requesting all of the following
23 information:

24 (A) The dates of employment of the applicant.

25 (B) A statement as to whether the applicant:

26 (i) was the subject of an abuse or sexual

1 misconduct investigation by an employer, State
2 licensing agency, law enforcement agency, or child
3 protective services agency, unless the
4 investigation resulted in a finding that an
5 allegation was false;

6 (ii) was discharged from, was asked to resign
7 from, resigned from, or was otherwise separated
8 from any employment, was disciplined by an
9 employer, or had an employment contract not
10 renewed while an allegation of abuse or sexual
11 misconduct as described in clause (i) of this
12 subparagraph (B) was pending or under
13 investigation or due to an adjudication or finding
14 of abuse or sexual misconduct as described in
15 clause (i) of this subparagraph (B); or

16 (iii) has ever had a license or certificate
17 suspended, surrendered, or revoked while an
18 allegation of abuse or sexual misconduct as
19 described in clause (i) of this subparagraph (B)
20 was pending or under investigation or due to an
21 adjudication or finding of abuse or sexual
22 misconduct as described in clause (i) of this
23 subparagraph (B).

24 (3) Check the eligibility for employment or
25 certification or licensure status of an applicant for a
26 position involving direct contact with children or

1 students to determine whether the applicant holds valid
2 and active certification or licensure appropriate for the
3 position and is otherwise eligible for employment and
4 whether the applicant has been the subject of public
5 professional discipline.

6 (4) Inquire whether the State Board of Education has
7 received notification of pending criminal charges against
8 the applicant.

9 (d) An applicant who provides false information or
10 willfully fails to disclose information required in subsection
11 (c) shall be subject to discipline, up to and including
12 termination or denial of employment, and may be subject to
13 criminal prosecution under the Criminal Code of 2012 and civil
14 penalties and professional discipline in accordance with
15 subsection (m).

16 (e) No later than 20 days after receiving a request for
17 information required under paragraph (2) of subsection (b), an
18 employer who has or had an employment relationship with the
19 applicant shall disclose the information requested. The
20 employer shall disclose the information on a standardized form
21 developed by the State Board of Education.

22 After reviewing the information initially disclosed under
23 this subsection (e) and finding an affirmative response under
24 subparagraph (C) of paragraph (1) of subsection (c) or
25 subparagraph (B) of paragraph (2) of subsection (c), if the
26 prospective employing school or independent contractor makes a

1 determination to further consider the applicant for
2 employment, the school or independent contractor shall request
3 that former employers provide additional information about the
4 matters disclosed and all related records. Former employers
5 shall provide the additional information requested no later
6 than 60 days after the prospective employer's request.

7 Information received under this Section shall not be
8 deemed a public record.

9 A school or independent contractor who receives
10 information under this subsection (e) may use the information
11 for the purpose of evaluating an applicant's fitness to be
12 hired or for continued employment and may report the
13 information, as appropriate, to the State Board of Education,
14 a State licensing agency, a law enforcement agency, a child
15 protective services agency, another school or independent
16 contractor, or a prospective employer.

17 An employer, school, school administrator, or independent
18 contractor who provides information or records about a current
19 or former employee or applicant under this Section is immune
20 from criminal and civil liability for the disclosure of the
21 information or records, unless the information or records
22 provided were knowingly false. This immunity shall be in
23 addition to and not a limitation on any other immunity
24 provided by law or any absolute or conditional privileges
25 applicable to the disclosure by virtue of the circumstances or
26 the applicant's consent to the disclosure.

1 Unless the laws of another state prevent the release of
2 the information or records requested or disclosure is
3 restricted by the terms of a contract entered into prior to the
4 effective date of this amendatory Act of the 102nd General
5 Assembly, the willful failure of a former employer, school,
6 school administrator, or independent contractor to respond or
7 provide the information and records requested may result in
8 civil penalties and professional discipline, if appropriate,
9 in accordance with subsection (m).

10 Notwithstanding any other provision of law to the
11 contrary, an employer, school, school administrator,
12 independent contractor, or applicant shall report and
13 disclose, in accordance with this Section, all relevant
14 information, records, and documentation that may otherwise be
15 confidential.

16 (f) A school or independent contractor may not hire an
17 applicant who does not provide the information required under
18 subsection (c) for a position involving direct contact with
19 children or students. A school or independent contractor may
20 hire an applicant on a provisional basis for a period not to
21 exceed 90 days pending the school's or independent
22 contractor's review of the information and records received
23 under this Section, provided that all of the following are
24 satisfied:

25 (1) The applicant has provided all of the information
26 and supporting documentation required under subsection

1 (c).

2 (2) The school or independent contractor has no
3 knowledge of information pertaining to the applicant that
4 would disqualify the applicant from employment.

5 (3) The applicant swears or affirms that the applicant
6 is not disqualified from employment.

7 (4) The applicant is not permitted by the school or
8 independent contractor to work alone with children or
9 students and is required to work in the immediate vicinity
10 of a permanent employee.

11 (g) Beginning on the effective date of this amendatory Act
12 of the 102nd General Assembly, a school or independent
13 contractor may not enter into a collective bargaining
14 agreement, an employment contract, an agreement for
15 resignation or termination, a severance agreement, or any
16 other contract or agreement or take any action that:

17 (1) has the effect of suppressing information
18 concerning an investigation related to a report of
19 suspected abuse or sexual misconduct by a current or
20 former employee;

21 (2) affects the ability of the school or independent
22 contractor to report suspected abuse or sexual misconduct
23 to the appropriate authorities; or

24 (3) requires the school or independent contractor to
25 expunge information about allegations or findings of
26 suspected abuse or sexual misconduct from any documents

1 maintained by the school or independent contractor,
2 unless, after an investigation, an allegation is found to
3 be false.

4 (h) Any provision of an employment contract or agreement
5 for resignation or termination or a severance agreement that
6 is executed, amended, or entered into on or after the
7 effective date of this amendatory Act of the 102nd General
8 Assembly and that is contrary to this Section is void and
9 unenforceable.

10 (i) For purposes of this subsection (i), "substitute
11 employee" does not include a school bus driver employed by an
12 independent contractor.

13 For substitute employees, all of the following apply:

14 (1) The employment history review required by this
15 Section is required only prior to the initial hiring of a
16 substitute employee or placement on the school's approved
17 substitute list and shall remain valid as long as the
18 substitute employee continues to be employed by the same
19 school or remains on the school's approved substitute
20 list.

21 (2) A substitute employee seeking to be added to
22 another school's substitute list shall undergo an
23 additional employment history review under this Section.
24 Except as otherwise provided in paragraph (3) of this
25 subsection (i), the appearance of a substitute employee on
26 one school's substitute list does not relieve another

1 school from compliance with this Section.

2 (3) An employment history review conducted upon
3 initial hiring of a substitute employee by an independent
4 contractor or any other entity that furnishes substitute
5 staffing services to schools shall satisfy the
6 requirements of this Section for all schools using the
7 services of that independent contractor or other entity.

8 (4) An independent contractor or any other entity
9 furnishing substitute staffing services to schools shall
10 comply with paragraphs (3) and (4) of subsection (j).

11 (j) For employees of independent contractors, all of the
12 following apply:

13 (1) The employment history review required by this
14 Section shall be performed, either at the time of the
15 initial hiring of an employee or prior to the assignment
16 of an existing employee to perform work for a school in a
17 position involving direct contact with children or
18 students. The review shall remain valid as long as the
19 employee remains employed by the same independent
20 contractor, even if assigned to perform work for other
21 schools.

22 (2) An independent contractor shall maintain records
23 documenting employment history reviews for all employees
24 as required by this Section and, upon request, shall
25 provide a school for whom an employee is assigned to
26 perform work access to the records pertaining to that

1 employee.

2 (3) Prior to assigning an employee to perform work for
3 a school in a position involving direct contact with
4 children or students, the independent contractor shall
5 inform the school of any instance known to the independent
6 contractor in which the employee:

7 (A) was the subject of an abuse or sexual
8 misconduct investigation by an employer, State
9 licensing agency, law enforcement authority, or child
10 protective services agency, unless the investigation
11 resulted in a finding that an allegation was false;

12 (B) has ever been discharged, been asked to resign
13 from, resigned from, or otherwise been separated from
14 any employment, been removed from a substitute list,
15 been disciplined by an employer, or had an employment
16 contract not renewed while an allegation of abuse or
17 sexual misconduct as described in subparagraph (A) was
18 pending or under investigation or due to an
19 adjudication or finding of abuse or sexual misconduct
20 as described in subparagraph (A); or

21 (C) has ever had a license or certificate
22 suspended, surrendered, or revoked while an allegation
23 of abuse or sexual misconduct as described in
24 subparagraph (A) was pending or under investigation or
25 due to an adjudication or finding of abuse or sexual
26 misconduct as described in subparagraph (A).

1 (4) The independent contractor may not assign an
2 employee to perform work for a school in a position
3 involving direct contact with children or students if the
4 school objects to the assignment after being informed of
5 an instance listed in paragraph (3).

6 (k) An applicant who has undergone an employment history
7 review under this Section and seeks to transfer to or provide
8 services to another school in the same school district,
9 diocese, or religious jurisdiction or to another school
10 established and supervised by the same organization is not
11 required to obtain additional reports under this Section
12 before transferring.

13 (l) Nothing in this Section shall be construed:

14 (1) to prevent a prospective employer from conducting
15 further investigations of prospective employees or from
16 requiring applicants to provide additional background
17 information or authorizations beyond what is required
18 under this Section, nor to prevent a former employer from
19 disclosing more information than what is required under
20 this Section;

21 (2) to relieve a school, school administrator, or
22 independent contractor of any legal responsibility to
23 report suspected incidents of abuse;

24 (3) to relieve a school, school administrator, or
25 independent contractor of any legal responsibility to
26 report suspected incidents of professional misconduct; or

1 (4) to prohibit the right of the exclusive bargaining
2 representative under a collective bargaining agreement to
3 grieve and arbitrate the validity of an employee's
4 termination or discipline for just cause.

5 (m) The State Board of Education shall have jurisdiction
6 to determine willful violations of this Section and may,
7 following a hearing, assess a civil penalty not to exceed
8 \$10,000. The Attorney General may bring an action in the
9 circuit court to enforce the collection of any monetary
10 penalty imposed under this Section.

11 A school is prohibited from contracting with an
12 independent contractor who is found to have willfully violated
13 the provisions of this Section.

14 The State Board of Education may initiate disciplinary
15 action against any applicant, employee, independent
16 contractor, or school administrator who is subject to this
17 Code for willful violations of this Section.

18 (n) The State Board of Education shall develop the forms
19 for applicants and employers required under paragraphs (1) and
20 (2) of subsection (c), as well as any other forms necessary to
21 carry out the provisions of this Section.

22 (105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)

23 Sec. 27-9.1. Sex education.

24 (a) In this Section:

25 "Adapt" means to modify an evidence-based program model

1 for use with a particular demographic, ethnic, linguistic, or
2 cultural group.

3 "Age appropriate" means suitable to particular ages or age
4 groups of children and adolescents, based on the developing
5 cognitive, emotional, and behavioral capacity typical for the
6 age or age group.

7 "Evidence-based program" means a program for which
8 systematic, empirical research or evaluation has provided
9 evidence of effectiveness.

10 "Medically accurate" means verified or supported by the
11 weight of research conducted in compliance with accepted
12 scientific methods and published in peer-reviewed journals, if
13 applicable, or comprising information recognized as accurate,
14 objective, and complete.

15 (a-5) No pupil shall be required to take or participate in
16 any class or course in comprehensive sex education if his
17 parent or guardian submits written objection thereto, and
18 refusal to take or participate in such course or program shall
19 not be reason for suspension or expulsion of such pupil. Each
20 class or course in comprehensive sex education offered in any
21 of grades 6 through 12 shall include instruction on both
22 abstinence and contraception for the prevention of pregnancy
23 and sexually transmitted diseases, including HIV/AIDS. Nothing
24 in this Section prohibits instruction in sanitation, hygiene
25 or traditional courses in biology.

26 (b) All public school classes that teach sex education and

1 discuss sexual intercourse in grades 6 through 12 shall
2 emphasize that abstinence from sexual intercourse is a
3 responsible and positive decision and is the only protection
4 that is 100% effective against unwanted teenage pregnancy,
5 sexually transmitted diseases, and acquired immune deficiency
6 syndrome (AIDS) when transmitted sexually.

7 (c) All classes that teach sex education and discuss
8 sexual intercourse in grades 6 through 12 shall satisfy the
9 following criteria:

10 (1) Course material and instruction shall be
11 developmentally and age appropriate, medically accurate,
12 and complete.

13 (1.5) Course material and instruction shall replicate
14 evidence-based programs or substantially incorporate
15 elements of evidence-based programs.

16 (2) Course material and instruction shall teach honor
17 and respect for monogamous heterosexual marriage.

18 (3) Course material and instruction shall place
19 substantial emphasis on both abstinence, including
20 abstinence until marriage, and contraception for the
21 prevention of pregnancy and sexually transmitted diseases
22 among youth and shall stress that abstinence is the
23 ensured method of avoiding unintended pregnancy, sexually
24 transmitted diseases, and HIV/AIDS.

25 (4) Course material and instruction shall include a
26 discussion of the possible emotional and psychological

1 consequences of preadolescent and adolescent sexual
2 intercourse and the consequences of unwanted adolescent
3 pregnancy.

4 (5) Course material and instruction shall stress that
5 sexually transmitted diseases are serious possible hazards
6 of sexual intercourse. Pupils shall be provided with
7 statistics based on the latest medical information citing
8 the failure and success rates of condoms in preventing
9 AIDS and other sexually transmitted diseases.

10 (6) Course material and instruction shall advise
11 pupils of the laws pertaining to their financial
12 responsibility to children born in and out of wedlock.

13 (7) Course material and instruction shall advise
14 pupils of the circumstances under which it is unlawful for
15 a person to have sexual relations with an individual who
16 is under the age of 17 and for a person who is in a
17 position of trust, authority, or supervision to have
18 sexual relations with an individual who is under the age
19 of 18 pursuant to Article 11 of the Criminal Code of 2012
20 and how it is unlawful for a person to commit sexual
21 conduct with a pupil attending classes at a public or
22 nonpublic secondary school if that person holds a position
23 of trust, authority, or supervision in relation to the
24 pupil in connection with an educational or extracurricular
25 program or activity at the time of the commission of the
26 act, regardless of the location or place of the commission

1 of the act.

2 (8) Course material and instruction shall teach pupils
3 to not make unwanted physical and verbal sexual advances
4 and how to say no to unwanted sexual advances. Pupils
5 shall be taught that it is wrong to take advantage of or to
6 exploit another person. The material and instruction shall
7 also encourage youth to resist negative peer pressure. The
8 material and instruction shall include discussion on what
9 may be considered sexual harassment or sexual assault.

10 (9) (Blank).

11 (10) Course material and instruction shall teach
12 pupils about the dangers associated with drug and alcohol
13 consumption during pregnancy.

14 (11) Course material and instruction must include an
15 age-appropriate discussion on the meaning of consent that
16 includes discussion on recognizing all of the following:

17 (A) That consent is a freely given agreement to
18 sexual activity.

19 (B) That consent to one particular sexual activity
20 does not constitute consent to other types of sexual
21 activities.

22 (C) That a person's lack of verbal or physical
23 resistance or submission resulting from the use or
24 threat of force does not constitute consent.

25 (D) That a person's manner of dress does not
26 constitute consent.

1 (E) That a person's consent to past sexual
2 activity does not constitute consent to future sexual
3 activity.

4 (F) That a person's consent to engage in sexual
5 activity with one person does not constitute consent
6 to engage in sexual activity with another person.

7 (G) That a person can withdraw consent at any
8 time.

9 (H) That a person cannot consent to sexual
10 activity if that person is unable to understand the
11 nature of the activity or give knowing consent due to
12 certain circumstances that include, but are not
13 limited to, (i) the person is incapacitated due to the
14 use or influence of alcohol or drugs, (ii) the person
15 is asleep or unconscious, (iii) the person is a minor,
16 or (iv) the person is incapacitated due to a mental
17 disability.

18 (d) An opportunity shall be afforded to individuals,
19 including parents or guardians, to examine the instructional
20 materials to be used in such class or course.

21 (e) The State Board of Education shall make available
22 resource materials, with the cooperation and input of the
23 agency that administers grant programs consistent with
24 criteria (1) and (1.5) of subsection (c) of this Section, for
25 educating children regarding sex education and may take into
26 consideration the curriculum on this subject developed by

1 other states, as well as any other curricular materials
2 suggested by education experts and other groups that work on
3 sex education issues. Materials may include without limitation
4 model sex education curriculums and sexual health education
5 programs. The State Board of Education shall make these
6 resource materials available on its Internet website. School
7 districts that do not currently provide sex education are not
8 required to teach sex education. If a sex education class or
9 course is offered in any of grades 6 through 12, the school
10 district may choose and adapt the developmentally and
11 age-appropriate, medically accurate, evidence-based, and
12 complete sex education curriculum that meets the specific
13 needs of its community.

14 (Source: P.A. 100-684, eff. 8-3-18; 101-579, eff. 1-1-20.)

15 (105 ILCS 5/27A-5)

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

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

22 (b) A charter school may be established under this Article
23 by creating a new school or by converting an existing public
24 school or attendance center to charter school status.
25 Beginning on April 16, 2003 (the effective date of Public Act

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

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

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

21 (c) A charter school shall be administered and governed by
22 its board of directors or other governing body in the manner
23 provided in its charter. The governing body of a charter
24 school shall be subject to the Freedom of Information Act and
25 the Open Meetings Act. No later than January 1, 2021 (one year
26 after the effective date of Public Act 101-291) ~~this~~

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

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

1 provided or certified by other qualified providers approved by
2 the State Board of Education.

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

15 A charter school shall comply with all non-curricular
16 health and safety requirements applicable to public schools
17 under the laws of the State of Illinois. On or before September
18 1, 2015, the State Board shall promulgate and post on its
19 Internet website a list of non-curricular health and safety
20 requirements that a charter school must meet. The list shall
21 be updated annually no later than September 1. Any charter
22 contract between a charter school and its authorizer must
23 contain a provision that requires the charter school to follow
24 the list of all non-curricular health and safety requirements
25 promulgated by the State Board and any non-curricular health
26 and safety requirements added by the State Board to such list

1 during the term of the charter. Nothing in this subsection (d)
2 precludes an authorizer from including non-curricular health
3 and safety requirements in a charter school contract that are
4 not contained in the list promulgated by the State Board,
5 including non-curricular health and safety requirements of the
6 authorizing local school board.

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

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

25 (g) A charter school shall comply with all provisions of
26 this Article, the Illinois Educational Labor Relations Act,

1 all federal and State laws and rules applicable to public
2 schools that pertain to special education and the instruction
3 of English learners, and its charter. A charter school is
4 exempt from all other State laws and regulations in this Code
5 governing public schools and local school board policies;
6 however, a charter school is not exempt from the following:

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

12 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
13 34-84a of this Code regarding discipline of students;

14 (3) the Local Governmental and Governmental Employees
15 Tort Immunity Act;

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

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

20 (5.5) subsection (b) of Section 10-23.12 and
21 subsection (b) of Section 34-18.6 of this Code;

22 (6) the Illinois School Student Records Act;

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

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

26 (9) Section 27-23.7 of this Code regarding bullying

1 prevention;

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

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

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

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

7 (14) Section 26-18 of this Code;

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

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

10 (17) the (16) The Seizure Smart School Act; and

11 (18) Section 22-90 of this Code.

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

14 (h) A charter school may negotiate and contract with a
15 school district, the governing body of a State college or
16 university or public community college, or any other public or
17 for-profit or nonprofit private entity for: (i) the use of a
18 school building and grounds or any other real property or
19 facilities that the charter school desires to use or convert
20 for use as a charter school site, (ii) the operation and
21 maintenance thereof, and (iii) the provision of any service,
22 activity, or undertaking that the charter school is required
23 to perform in order to carry out the terms of its charter.
24 However, a charter school that is established on or after
25 April 16, 2003 (the effective date of Public Act 93-3) and that
26 operates in a city having a population exceeding 500,000 may

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

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

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

25 (k) If the charter school is approved by the State Board or
26 Commission, then the charter school is its own local education

1 agency.

2 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
3 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
4 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
5 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
6 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

7 Section 10. The Criminal Code of 2012 is amended by
8 changing Sections 11-1.20, 11-1.60, and 11-25 as follows:

9 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

10 Sec. 11-1.20. Criminal sexual assault.

11 (a) A person commits criminal sexual assault if that
12 person commits an act of sexual penetration and:

13 (1) uses force or threat of force;

14 (2) knows that the victim is unable to understand the
15 nature of the act or is unable to give knowing consent;

16 (3) is a family member of the victim, and the victim is
17 under 18 years of age; ~~or~~

18 (4) is 17 years of age or over and holds a position of
19 trust, authority, or supervision in relation to the
20 victim, and the victim is at least 13 years of age but
21 under 18 years of age; or

22 (5) the victim is at least 18 years of age but under 22
23 years of age and is a student attending classes at a public
24 or nonpublic secondary school and the accused held a

1 position of trust, authority, or supervision over the
2 victim in connection with an educational or
3 extracurricular program or activity at the time of the
4 commission of the act, regardless of the location or place
5 of the commission of the act.

6 (b) Sentence.

7 (1) Criminal sexual assault is a Class 1 felony,
8 except that:

9 (A) A person who is convicted of the offense of
10 criminal sexual assault as defined in paragraph (a) (1)
11 or (a) (2) after having previously been convicted of
12 the offense of criminal sexual assault or the offense
13 of exploitation of a child, or who is convicted of the
14 offense of criminal sexual assault as defined in
15 paragraph (a) (1) or (a) (2) after having previously
16 been convicted under the laws of this State or any
17 other state of an offense that is substantially
18 equivalent to the offense of criminal sexual assault
19 or to the offense of exploitation of a child, commits a
20 Class X felony for which the person shall be sentenced
21 to a term of imprisonment of not less than 30 years and
22 not more than 60 years, except that if the person is
23 under the age of 18 years at the time of the offense,
24 he or she shall be sentenced under Section 5-4.5-105
25 of the Unified Code of Corrections. The commission of
26 the second or subsequent offense is required to have

1 been after the initial conviction for this paragraph
2 (A) to apply.

3 (B) A person who has attained the age of 18 years
4 at the time of the commission of the offense and who is
5 convicted of the offense of criminal sexual assault as
6 defined in paragraph (a)(1) or (a)(2) after having
7 previously been convicted of the offense of aggravated
8 criminal sexual assault or the offense of predatory
9 criminal sexual assault of a child, or who is
10 convicted of the offense of criminal sexual assault as
11 defined in paragraph (a)(1) or (a)(2) after having
12 previously been convicted under the laws of this State
13 or any other state of an offense that is substantially
14 equivalent to the offense of aggravated criminal
15 sexual assault or the offense of predatory criminal
16 sexual assault of a child shall be sentenced to a term
17 of natural life imprisonment. The commission of the
18 second or subsequent offense is required to have been
19 after the initial conviction for this paragraph (B) to
20 apply. An offender under the age of 18 years at the
21 time of the commission of the offense covered by this
22 subparagraph (B) shall be sentenced under Section
23 5-4.5-105 of the Unified Code of Corrections.

24 (C) A second or subsequent conviction for a
25 violation of paragraph (a)(3), ~~or~~ (a)(4), or (a)(5) or
26 under any similar statute of this State or any other

1 state for any offense involving criminal sexual
2 assault that is substantially equivalent to or more
3 serious than the sexual assault prohibited under
4 paragraph (a) (3), ~~or~~ (a) (4), or (a) (5) is a Class X
5 felony.

6 (Source: P.A. 99-69, eff. 1-1-16.)

7 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

8 Sec. 11-1.60. Aggravated criminal sexual abuse.

9 (a) A person commits aggravated criminal sexual abuse if
10 that person commits criminal sexual abuse and any of the
11 following aggravating circumstances exist (i) during the
12 commission of the offense or (ii) for purposes of paragraph
13 (7), as part of the same course of conduct as the commission of
14 the offense:

15 (1) the person displays, threatens to use, or uses a
16 dangerous weapon or any other object fashioned or used in
17 a manner that leads the victim, under the circumstances,
18 reasonably to believe that the object is a dangerous
19 weapon;

20 (2) the person causes bodily harm to the victim;

21 (3) the victim is 60 years of age or older;

22 (4) the victim is a person with a physical disability;

23 (5) the person acts in a manner that threatens or
24 endangers the life of the victim or any other person;

25 (6) the person commits the criminal sexual abuse

1 during the course of committing or attempting to commit
2 any other felony; or

3 (7) the person delivers (by injection, inhalation,
4 ingestion, transfer of possession, or any other means) any
5 controlled substance to the victim for other than medical
6 purposes without the victim's consent or by threat or
7 deception.

8 (b) A person commits aggravated criminal sexual abuse if
9 that person commits an act of sexual conduct with a victim who
10 is under 18 years of age and the person is a family member.

11 (c) A person commits aggravated criminal sexual abuse if:

12 (1) that person is 17 years of age or over and: (i)
13 commits an act of sexual conduct with a victim who is under
14 13 years of age; or (ii) commits an act of sexual conduct
15 with a victim who is at least 13 years of age but under 17
16 years of age and the person uses force or threat of force
17 to commit the act; or

18 (2) that person is under 17 years of age and: (i)
19 commits an act of sexual conduct with a victim who is under
20 9 years of age; or (ii) commits an act of sexual conduct
21 with a victim who is at least 9 years of age but under 17
22 years of age and the person uses force or threat of force
23 to commit the act.

24 (d) A person commits aggravated criminal sexual abuse if
25 that person commits an act of sexual penetration or sexual
26 conduct with a victim who is at least 13 years of age but under

1 17 years of age and the person is at least 5 years older than
2 the victim.

3 (e) A person commits aggravated criminal sexual abuse if
4 that person commits an act of sexual conduct with a victim who
5 is a person with a severe or profound intellectual disability.

6 (f) A person commits aggravated criminal sexual abuse if
7 that person commits an act of sexual conduct with a victim who
8 is at least 13 years of age but under 18 years of age and the
9 person is 17 years of age or over and holds a position of
10 trust, authority, or supervision in relation to the victim.

11 (f-5) A person commits aggravated criminal sexual abuse if
12 that person commits an act of sexual conduct with a victim who
13 is at least 18 years of age but under 22 years of age and is a
14 student attending classes at a public or nonpublic secondary
15 school and the accused held a position of trust, authority, or
16 supervision in relation to the victim in connection with an
17 educational or extracurricular program or activity at the time
18 of the commission of the act, regardless of the location or
19 place of the commission of the act.

20 (g) Sentence. Aggravated criminal sexual abuse is a Class
21 2 felony.

22 (Source: P.A. 99-143, eff. 7-27-15.)

23 (720 ILCS 5/11-25)

24 Sec. 11-25. Grooming.

25 (a) A person commits grooming when he or she knowingly

1 uses a computer on-line service, Internet service, local
2 bulletin board service, or any other device capable of
3 electronic data storage or transmission or performs an act in
4 person, through direct communication or by conduct through a
5 third party, to seduce, solicit, lure, or entice, or attempt
6 to seduce, solicit, lure, or entice, a child, a child's
7 guardian, or another person believed by the person to be a
8 child or a child's guardian, to commit any sex offense as
9 defined in Section 2 of the Sex Offender Registration Act, to
10 distribute photographs depicting the sex organs of the child,
11 or to otherwise engage in any unlawful sexual conduct with a
12 child or with another person believed by the person to be a
13 child. As used in this Section, "child" means a person under 17
14 years of age.

15 (b) Sentence. Grooming is a Class 4 felony.

16 (Source: P.A. 100-428, eff. 1-1-18.)

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