

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 and 22-85.5 and by changing Sections 21B-45 and 27A-5
7 as follows:

8 (105 ILCS 5/2-3.182 new)

9 Sec. 2-3.182. Resource guide.

10 (a) By July 1, 2022, the State Board of Education, in
11 consultation with relevant stakeholders, as needed, shall
12 develop and maintain a resource guide that shall be made
13 available on the State Board's Internet website. The resource
14 guide shall provide guidance for pupils, parents or guardians,
15 and teachers about sexual abuse response and prevention
16 resources available in their community. The resource guide
17 shall, at a minimum, provide all of the following information:

18 (1) Contact information, the location, and a list of
19 the services provided by or available through accredited
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 (b) At the beginning of the school year, each school
10 district, charter school, or nonpublic, nonsectarian
11 elementary or secondary school shall notify the parents or
12 guardians of enrolled students of the availability of the
13 resource guide. Each school district, charter school, or
14 nonpublic, nonsectarian elementary or secondary school shall
15 furnish the resource guide to a student's parent or guardian
16 at the request of the parent or guardian and may also make the
17 resource guide available on its Internet website.

18 (c) The State Board of Education shall periodically review
19 the information contained in the resource guide and update the
20 information as necessary.

21 (105 ILCS 5/21B-45)

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

23 (a) Individuals holding a Professional Educator License
24 are required to complete the licensure renewal requirements as
25 specified in this Section, unless otherwise provided in this

1 Code.

2 Individuals holding a Professional Educator License shall
3 meet the renewal requirements set forth in this Section,
4 unless otherwise provided in this Code. If an individual holds
5 a license endorsed in more than one area that has different
6 renewal requirements, that individual shall follow the renewal
7 requirements for the position for which he or she spends the
8 majority of his or her time working.

9 (b) All Professional Educator Licenses not renewed as
10 provided in this Section shall lapse on September 1 of that
11 year. Notwithstanding any other provisions of this Section, if
12 a license holder's electronic mail address is available, the
13 State Board of Education shall send him or her notification
14 electronically that his or her license will lapse if not
15 renewed, to be sent no more than 6 months prior to the license
16 lapsing. Lapsed licenses may be immediately reinstated upon
17 (i) payment by the applicant of a \$500 penalty to the State
18 Board of Education or (ii) the demonstration of proficiency by
19 completing 9 semester hours of coursework from a regionally
20 accredited institution of higher education in the content area
21 that most aligns with one or more of the educator's
22 endorsement areas. Any and all back fees, including without
23 limitation registration fees owed from the time of expiration
24 of the license until the date of reinstatement, shall be paid
25 and kept in accordance with the provisions in Article 3 of this
26 Code concerning an institute fund and the provisions in

1 Article 21B of this Code concerning fees and requirements for
2 registration. Licenses not registered in accordance with
3 Section 21B-40 of this Code shall lapse after a period of 6
4 months from the expiration of the last year of registration or
5 on January 1 of the fiscal year following initial issuance of
6 the license. An unregistered license is invalid after
7 September 1 for employment and performance of services in an
8 Illinois public or State-operated school or cooperative and in
9 a charter school. Any license or endorsement may be
10 voluntarily surrendered by the license holder. A voluntarily
11 surrendered license shall be treated as a revoked license. An
12 Educator License with Stipulations with only a
13 paraprofessional endorsement does not lapse.

14 (c) From July 1, 2013 through June 30, 2014, in order to
15 satisfy the requirements for licensure renewal provided for in
16 this Section, each professional educator licensee with an
17 administrative endorsement who is working in a position
18 requiring such endorsement shall complete one Illinois
19 Administrators' Academy course, as described in Article 2 of
20 this Code, per fiscal year.

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

25 (d) Beginning July 1, 2014, in order to satisfy the
26 requirements for licensure renewal provided for in this

1 Section, each professional educator licensee may create a
2 professional development plan each year. The plan shall
3 address one or more of the endorsements that are required of
4 his or her educator position if the licensee is employed and
5 performing services in an Illinois public or State-operated
6 school or cooperative. If the licensee is employed in a
7 charter school, the plan shall address that endorsement or
8 those endorsements most closely related to his or her educator
9 position. Licensees employed and performing services in any
10 other Illinois schools may participate in the renewal
11 requirements by adhering to the same process.

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

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

19 (2) professional development aligns to the licensee's
20 performance;

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

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

24 (5) higher education coursework.

25 (e) For each renewal cycle, each professional educator
26 licensee shall engage in professional development activities.

1 Prior to renewal, the licensee shall enter electronically into
2 the Educator Licensure Information System (ELIS) the name,
3 date, and location of the activity, the number of professional
4 development hours, and the provider's name. The following
5 provisions shall apply concerning professional development
6 activities:

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

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

19 (3) Any licensee with an administrative endorsement
20 who is working in a position requiring such endorsement or
21 an individual with a Teacher Leader endorsement serving in
22 an administrative capacity at least 50% of the day shall
23 complete one Illinois Administrators' Academy course, as
24 described in Article 2 of this Code, each fiscal year in
25 addition to 100 hours of professional development per
26 5-year renewal cycle in accordance with this Code.

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

6 (5) Licensees working in a position that does not
7 require educator licensure or working in a position for
8 less than 50% for any particular year are considered to be
9 exempt and shall be required to pay only the registration
10 fee in order to renew and maintain the validity of the
11 license.

12 (6) Licensees who are retired and qualify for benefits
13 from a State of Illinois retirement system shall notify
14 the State Board of Education using ELIS, and the license
15 shall be maintained in retired status. For any renewal
16 cycle in which a licensee retires during the renewal
17 cycle, the licensee must complete professional development
18 activities on a prorated basis depending on the number of
19 years during the renewal cycle the educator held an active
20 license. If a licensee retires during a renewal cycle, the
21 licensee must notify the State Board of Education using
22 ELIS that the licensee wishes to maintain the license in
23 retired status and must show proof of completion of
24 professional development activities on a prorated basis
25 for all years of that renewal cycle for which the license
26 was active. An individual with a license in retired status

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

16 (7) For any renewal cycle in which professional
17 development hours were required, but not fulfilled, the
18 licensee shall complete any missed hours to total the
19 minimum professional development hours required in this
20 Section prior to September 1 of that year. Professional
21 development hours used to fulfill the minimum required
22 hours for a renewal cycle may be used for only one renewal
23 cycle. For any fiscal year or renewal cycle in which an
24 Illinois Administrators' Academy course was required but
25 not completed, the licensee shall complete any missed
26 Illinois Administrators' Academy courses prior to

1 September 1 of that year. The licensee may complete all
2 deficient hours and Illinois Administrators' Academy
3 courses while continuing to work in a position that
4 requires that license until September 1 of that year.

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

11 (9) If professional development opportunities were
12 unavailable to a licensee, proof that opportunities were
13 unavailable and request for an extension of time beyond
14 August 31 to complete the renewal requirements may be
15 submitted from April 1 through June 30 of that year to the
16 State Educator Preparation and Licensure Board. If an
17 extension is approved, the license shall remain valid
18 during the extension period.

19 (10) Individuals who hold exempt licenses prior to
20 December 27, 2013 (the effective date of Public Act
21 98-610) shall commence the annual renewal process with the
22 first scheduled registration due after December 27, 2013
23 (the effective date of Public Act 98-610).

24 (11) Notwithstanding any other provision of this
25 subsection (e), if a licensee earns more than the required
26 number of professional development hours during a renewal

1 cycle, then the licensee may carry over any hours earned
2 from April 1 through June 30 of the last year of the
3 renewal cycle. Any hours carried over in this manner must
4 be applied to the next renewal cycle. Illinois
5 Administrators' Academy courses or hours earned in those
6 courses may not be carried over.

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

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

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

22 (1) The State Board of Education.

23 (2) Regional offices of education and intermediate
24 service centers.

25 (3) Illinois professional associations representing
26 the following groups that are approved by the State

1 Superintendent of Education:

2 (A) school administrators;

3 (B) principals;

4 (C) school business officials;

5 (D) teachers, including special education
6 teachers;

7 (E) school boards;

8 (F) school districts;

9 (G) parents; and

10 (H) school service personnel.

11 (4) Regionally accredited institutions of higher
12 education that offer Illinois-approved educator
13 preparation programs and public community colleges subject
14 to the Public Community College Act.

15 (5) Illinois public school districts, charter schools
16 authorized under Article 27A of this Code, and joint
17 educational programs authorized under Article 10 of this
18 Code for the purposes of providing career and technical
19 education or special education services.

20 (6) A not-for-profit organization that, as of December
21 31, 2014 (the effective date of Public Act 98-1147), has
22 had or has a grant from or a contract with the State Board
23 of Education to provide professional development services
24 in the area of English Learning to Illinois school
25 districts, teachers, or administrators.

26 (7) State agencies, State boards, and State

1 commissions.

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

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

7 (1) increase the knowledge and skills of school and
8 district leaders who guide continuous professional
9 development;

10 (2) improve the learning of students;

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

13 (4) deepen educator's content knowledge;

14 (5) provide educators with research-based
15 instructional strategies to assist students in meeting
16 rigorous academic standards;

17 (6) prepare educators to appropriately use various
18 types of classroom assessments;

19 (7) use learning strategies appropriate to the
20 intended goals;

21 (8) provide educators with the knowledge and skills to
22 collaborate;

23 (9) prepare educators to apply research to decision
24 making; ~~or~~

25 (10) provide educators with training on inclusive
26 practices in the classroom that examines instructional and

1 behavioral strategies that improve academic and
2 social-emotional outcomes for all students, with or
3 without disabilities, in a general education setting; ~~or-~~

4 (11) beginning on July 1, 2022, provide educators with
5 training on the physical and mental health needs of
6 students, student safety, educator ethics, professional
7 conduct, and other topics that address the well-being of
8 students and improve the academic and social-emotional
9 outcomes of students.

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

12 (1) align professional development activities to the
13 State-approved national standards for professional
14 learning;

15 (2) meet the professional development criteria for
16 Illinois licensure renewal;

17 (3) produce a rationale for the activity that explains
18 how it aligns to State standards and identify the
19 assessment for determining the expected impact on student
20 learning or school improvement;

21 (4) maintain original documentation for completion of
22 activities;

23 (5) provide license holders with evidence of
24 completion of activities;

25 (6) request an Illinois Educator Identification Number
26 (IEIN) for each educator during each professional

1 development activity; and

2 (7) beginning on July 1, 2019, register annually with
3 the State Board of Education prior to offering any
4 professional development opportunities in the current
5 fiscal year.

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

15 (1) (Blank).

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

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

23 (B) educator and student social and emotional
24 growth; or

25 (C) alignment to district or school improvement
26 plans.

1 (3) The State Superintendent of Education shall review
2 the annual data collected by the State Board of Education,
3 regional offices of education, and intermediate service
4 centers in audits to determine if the approved provider
5 has met the criteria and should continue to be an approved
6 provider or if further action should be taken as provided
7 in rules.

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

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

1 and Professional Regulation shall complete professional
2 development requirements for the renewal of a Professional
3 Educator License provided for in this Section.

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

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

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

23 (A) the regional superintendent of education's
24 rationale for recommending nonrenewal of the license,
25 if applicable;

26 (B) any evidence submitted to the State

1 Superintendent along with the individual's electronic
2 statement of assurance for renewal; and

3 (C) the State Superintendent's rationale for
4 nonrenewal of the license.

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

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

15 (Source: P.A. 100-13, eff. 7-1-17; 100-339, eff. 8-25-17;
16 100-596, eff. 7-1-18; 100-863, eff. 8-14-18; 101-85, eff.
17 1-1-20; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20.)

18 (105 ILCS 5/22-85.5 new)

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

20 (a) This Section applies beginning on July 1, 2022.

21 (b) The General Assembly finds that:

22 (1) the success of students in school relies on safe
23 learning environments and healthy relationships with
24 school personnel;

25 (2) it is important for staff to maintain a

1 professional relationship with students at all times and
2 to define staff-student boundaries to protect students
3 from sexual misconduct by staff and staff from the
4 appearance of impropriety;

5 (3) many breaches of staff-student boundaries do not
6 rise to the level of criminal behavior but do pose a
7 potential risk to student safety;

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

10 (5) it is necessary to uphold the State Board of
11 Education's Code of Ethics for Illinois Educators and for
12 each school district, charter school, or nonpublic,
13 nonsectarian elementary or secondary school to have an
14 employee code of professional conduct policy;

15 (6) each school district, charter school, or
16 nonpublic, nonsectarian elementary or secondary school
17 must have the ability to discipline educators for breaches
18 of its employee code of professional conduct policy;

19 (7) each school district, charter school, or
20 nonpublic, nonsectarian elementary or secondary school
21 must have the ability to know if any of its educators have
22 violated professional staff-student boundaries in previous
23 employment; and

24 (8) as bystanders, educators may have knowledge of
25 concerning behaviors that no one else is aware of, so they
26 need adequate training on sexual abuse, the employee code

1 of professional conduct policy, and federal and State
2 reporting requirements.

3 (c) In this Section, "sexual misconduct" means any act,
4 including, but not limited to, any verbal, nonverbal, written,
5 or electronic communication or physical activity, by an
6 employee or agent of the school district, charter school, or
7 nonpublic, nonsectarian elementary or secondary school with
8 direct contact with a student that is directed toward or with a
9 student to establish a romantic or sexual relationship with
10 the student. Such an act includes, but is not limited to, any
11 of the following:

12 (1) A sexual or romantic invitation.

13 (2) Dating or requesting or participating in a private
14 meeting outside of the employee's or agent's professional
15 role with a student, including meeting in person or
16 through electronic communication.

17 (3) Engaging in sexualized or romantic dialog.

18 (4) Making sexually suggestive comments that are
19 directed toward or with a student.

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

22 (6) A sexual, indecent, romantic, or erotic contact
23 with the student.

24 (d) To prevent sexual misconduct with students, each
25 school district, charter school, or nonpublic, nonsectarian
26 elementary or secondary school shall develop an employee code

1 of professional conduct policy that addresses all of the
2 following:

3 (1) Incorporates the Code of Ethics for Illinois
4 Educators.

5 (2) Incorporates the definition of "sexual misconduct"
6 in this Section.

7 (3) Identifies the expectations for employees and
8 agents of the school district, charter school, or
9 nonpublic, nonsectarian elementary or secondary school
10 regarding how to maintain a professional relationship with
11 students, including the expectations for staff-student
12 boundaries, recognizing the age and developmental level of
13 the students served, and establishes guidelines for all of
14 the following situations:

15 (A) Transporting a student.

16 (B) Taking or possessing a photo or a video of a
17 student.

18 (C) Meeting with a student or contacting a student
19 outside of the employee's or agent's professional
20 role.

21 (4) References the employee reporting requirements
22 required under the Abused and Neglected Child Reporting
23 Act and under Title IX of the federal Education Amendments
24 of 1972.

25 (5) References required employee training that is
26 related to child abuse and educator ethics that are

1 applicable under State and federal law.

2 (e) The employee code of professional conduct policy must
3 be posted on the website, if any, of each school district,
4 charter school, or nonpublic, nonsectarian elementary or
5 secondary school and must be included in any staff, student,
6 or parent handbook provided by the school district, charter
7 school, or nonpublic, nonsectarian elementary or secondary
8 school.

9 (f) A violation of the employee code of professional
10 conduct policy may subject an employee to disciplinary action
11 up to and including dismissal from employment. Failure to
12 report a violation of the employee code of professional
13 conduct policy may subject an employee to disciplinary action
14 up to and including dismissal from employment.

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), a charter

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

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

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

13 A charter school shall comply with all non-curricular
14 health and safety requirements applicable to public schools
15 under the laws of the State of Illinois. On or before September
16 1, 2015, the State Board shall promulgate and post on its
17 Internet website a list of non-curricular health and safety
18 requirements that a charter school must meet. The list shall
19 be updated annually no later than September 1. Any charter
20 contract between a charter school and its authorizer must
21 contain a provision that requires the charter school to follow
22 the list of all non-curricular health and safety requirements
23 promulgated by the State Board and any non-curricular health
24 and safety requirements added by the State Board to such list
25 during the term of the charter. Nothing in this subsection (d)
26 precludes an authorizer from including non-curricular health

1 and safety requirements in a charter school contract that are
2 not contained in the list promulgated by the State Board,
3 including non-curricular health and safety requirements of the
4 authorizing local school board.

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

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

23 (g) A charter school shall comply with all provisions of
24 this Article, the Illinois Educational Labor Relations Act,
25 all federal and State laws and rules applicable to public
26 schools that pertain to special education and the instruction

1 of English learners, and its charter. A charter school is
2 exempt from all other State laws and regulations in this Code
3 governing public schools and local school board policies;
4 however, a charter school is not exempt from the following:

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

10 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
11 34-84a of this Code regarding discipline of students;

12 (3) the Local Governmental and Governmental Employees
13 Tort Immunity Act;

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

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

18 (5.5) subsection (b) of Section 10-23.12 and
19 subsection (b) of Section 34-18.6 of this Code;

20 (6) the Illinois School Student Records Act;

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

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

24 (9) Section 27-23.7 of this Code regarding bullying
25 prevention;

26 (10) Section 2-3.162 of this Code regarding student

1 discipline reporting;

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

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

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

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

6 (15) Section 22-30 of this Code;

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

8 (17) the Seizure Smart School Act; ~~and~~

9 (18) Section 2-3.64a-10 of this Code; ~~and~~

10 (19) Section 2-3.182 of this Code; and

11 (20) Section 22-85.5 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; 101-654, eff.
7 3-8-21.)

8 Section 10. The Abused and Neglected Child Reporting Act
9 is amended by changing Section 3 as follows:

10 (325 ILCS 5/3) (from Ch. 23, par. 2053)

11 Sec. 3. As used in this Act unless the context otherwise
12 requires:

13 "Adult resident" means any person between 18 and 22 years
14 of age who resides in any facility licensed by the Department
15 under the Child Care Act of 1969. For purposes of this Act, the
16 criteria set forth in the definitions of "abused child" and
17 "neglected child" shall be used in determining whether an
18 adult resident is abused or neglected.

19 "Agency" means a child care facility licensed under
20 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
21 includes a transitional living program that accepts children
22 and adult residents for placement who are in the guardianship
23 of the Department.

24 "Blatant disregard" means an incident where the real,

1 significant, and imminent risk of harm would be so obvious to a
2 reasonable parent or caretaker that it is unlikely that a
3 reasonable parent or caretaker would have exposed the child to
4 the danger without exercising precautionary measures to
5 protect the child from harm. With respect to a person working
6 at an agency in his or her professional capacity with a child
7 or adult resident, "blatant disregard" includes a failure by
8 the person to perform job responsibilities intended to protect
9 the child's or adult resident's health, physical well-being,
10 or welfare, and, when viewed in light of the surrounding
11 circumstances, evidence exists that would cause a reasonable
12 person to believe that the child was neglected. With respect
13 to an agency, "blatant disregard" includes a failure to
14 implement practices that ensure the health, physical
15 well-being, or welfare of the children and adult residents
16 residing in the facility.

17 "Child" means any person under the age of 18 years, unless
18 legally emancipated by reason of marriage or entry into a
19 branch of the United States armed services.

20 "Department" means Department of Children and Family
21 Services.

22 "Local law enforcement agency" means the police of a city,
23 town, village or other incorporated area or the sheriff of an
24 unincorporated area or any sworn officer of the Illinois
25 Department of State Police.

26 "Abused child" means a child whose parent or immediate

1 family member, or any person responsible for the child's
2 welfare, or any individual residing in the same home as the
3 child, or a paramour of the child's parent:

4 (a) inflicts, causes to be inflicted, or allows to be
5 inflicted upon such child physical injury, by other than
6 accidental means, which causes death, disfigurement,
7 impairment of physical or emotional health, or loss or
8 impairment of any bodily function;

9 (b) creates a substantial risk of physical injury to
10 such child by other than accidental means which would be
11 likely to cause death, disfigurement, impairment of
12 physical or emotional health, or loss or impairment of any
13 bodily function;

14 (c) commits or allows to be committed any sex offense
15 against such child, as such sex offenses are defined in
16 the Criminal Code of 2012 or in the Wrongs to Children Act,
17 and extending those definitions of sex offenses to include
18 children under 18 years of age;

19 (d) commits or allows to be committed an act or acts of
20 torture upon such child;

21 (e) inflicts excessive corporal punishment or, in the
22 case of a person working for an agency who is prohibited
23 from using corporal punishment, inflicts corporal
24 punishment upon a child or adult resident with whom the
25 person is working in his or her professional capacity;

26 (f) commits or allows to be committed the offense of

1 female genital mutilation, as defined in Section 12-34 of
2 the Criminal Code of 2012, against the child;

3 (g) causes to be sold, transferred, distributed, or
4 given to such child under 18 years of age, a controlled
5 substance as defined in Section 102 of the Illinois
6 Controlled Substances Act in violation of Article IV of
7 the Illinois Controlled Substances Act or in violation of
8 the Methamphetamine Control and Community Protection Act,
9 except for controlled substances that are prescribed in
10 accordance with Article III of the Illinois Controlled
11 Substances Act and are dispensed to such child in a manner
12 that substantially complies with the prescription; ~~or~~

13 (h) commits or allows to be committed the offense of
14 involuntary servitude, involuntary sexual servitude of a
15 minor, or trafficking in persons as defined in Section
16 10-9 of the Criminal Code of 2012 against the child; ~~or-~~

17 (i) commits the offense of grooming, as defined in
18 Section 11-25 of the Criminal Code of 2012, against the
19 child.

20 A child shall not be considered abused for the sole reason
21 that the child has been relinquished in accordance with the
22 Abandoned Newborn Infant Protection Act.

23 "Neglected child" means any child who is not receiving the
24 proper or necessary nourishment or medically indicated
25 treatment including food or care not provided solely on the
26 basis of the present or anticipated mental or physical

1 impairment as determined by a physician acting alone or in
2 consultation with other physicians or otherwise is not
3 receiving the proper or necessary support or medical or other
4 remedial care recognized under State law as necessary for a
5 child's well-being, or other care necessary for his or her
6 well-being, including adequate food, clothing and shelter; or
7 who is subjected to an environment which is injurious insofar
8 as (i) the child's environment creates a likelihood of harm to
9 the child's health, physical well-being, or welfare and (ii)
10 the likely harm to the child is the result of a blatant
11 disregard of parent, caretaker, or agency responsibilities; or
12 who is abandoned by his or her parents or other person
13 responsible for the child's welfare without a proper plan of
14 care; or who has been provided with interim crisis
15 intervention services under Section 3-5 of the Juvenile Court
16 Act of 1987 and whose parent, guardian, or custodian refuses
17 to permit the child to return home and no other living
18 arrangement agreeable to the parent, guardian, or custodian
19 can be made, and the parent, guardian, or custodian has not
20 made any other appropriate living arrangement for the child;
21 or who is a newborn infant whose blood, urine, or meconium
22 contains any amount of a controlled substance as defined in
23 subsection (f) of Section 102 of the Illinois Controlled
24 Substances Act or a metabolite thereof, with the exception of
25 a controlled substance or metabolite thereof whose presence in
26 the newborn infant is the result of medical treatment

1 administered to the mother or the newborn infant. A child
2 shall not be considered neglected for the sole reason that the
3 child's parent or other person responsible for his or her
4 welfare has left the child in the care of an adult relative for
5 any period of time. A child shall not be considered neglected
6 for the sole reason that the child has been relinquished in
7 accordance with the Abandoned Newborn Infant Protection Act. A
8 child shall not be considered neglected or abused for the sole
9 reason that such child's parent or other person responsible
10 for his or her welfare depends upon spiritual means through
11 prayer alone for the treatment or cure of disease or remedial
12 care as provided under Section 4 of this Act. A child shall not
13 be considered neglected or abused solely because the child is
14 not attending school in accordance with the requirements of
15 Article 26 of The School Code, as amended.

16 "Child Protective Service Unit" means certain specialized
17 State employees of the Department assigned by the Director to
18 perform the duties and responsibilities as provided under
19 Section 7.2 of this Act.

20 "Near fatality" means an act that, as certified by a
21 physician, places the child in serious or critical condition,
22 including acts of great bodily harm inflicted upon children
23 under 13 years of age, and as otherwise defined by Department
24 rule.

25 "Great bodily harm" includes bodily injury which creates a
26 high probability of death, or which causes serious permanent

1 disfigurement, or which causes a permanent or protracted loss
2 or impairment of the function of any bodily member or organ, or
3 other serious bodily harm.

4 "Person responsible for the child's welfare" means the
5 child's parent; guardian; foster parent; relative caregiver;
6 any person responsible for the child's welfare in a public or
7 private residential agency or institution; any person
8 responsible for the child's welfare within a public or private
9 profit or not for profit child care facility; or any other
10 person responsible for the child's welfare at the time of the
11 alleged abuse or neglect, including any person that is the
12 custodian of a child under 18 years of age who commits or
13 allows to be committed, against the child, the offense of
14 involuntary servitude, involuntary sexual servitude of a
15 minor, or trafficking in persons for forced labor or services,
16 as provided in Section 10-9 of the Criminal Code of 2012, or
17 any person who came to know the child through an official
18 capacity or position of trust, including but not limited to
19 health care professionals, educational personnel, recreational
20 supervisors, members of the clergy, and volunteers or support
21 personnel in any setting where children may be subject to
22 abuse or neglect.

23 "Temporary protective custody" means custody within a
24 hospital or other medical facility or a place previously
25 designated for such custody by the Department, subject to
26 review by the Court, including a licensed foster home, group

1 home, or other institution; but such place shall not be a jail
2 or other place for the detention of criminal or juvenile
3 offenders.

4 "An unfounded report" means any report made under this Act
5 for which it is determined after an investigation that no
6 credible evidence of abuse or neglect exists.

7 "An indicated report" means a report made under this Act
8 if an investigation determines that credible evidence of the
9 alleged abuse or neglect exists.

10 "An undetermined report" means any report made under this
11 Act in which it was not possible to initiate or complete an
12 investigation on the basis of information provided to the
13 Department.

14 "Subject of report" means any child reported to the
15 central register of child abuse and neglect established under
16 Section 7.7 of this Act as an alleged victim of child abuse or
17 neglect and the parent or guardian of the alleged victim or
18 other person responsible for the alleged victim's welfare who
19 is named in the report or added to the report as an alleged
20 perpetrator of child abuse or neglect.

21 "Perpetrator" means a person who, as a result of
22 investigation, has been determined by the Department to have
23 caused child abuse or neglect.

24 "Member of the clergy" means a clergyman or practitioner
25 of any religious denomination accredited by the religious body
26 to which he or she belongs.

1 (Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.)

2 Section 15. The Criminal Code of 2012 is amended by
3 changing Sections 11-1.20, 11-1.60, and 11-25 as follows:

4 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

5 Sec. 11-1.20. Criminal sexual assault.

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

8 (1) uses force or threat of force;

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

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

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

17 (5) the victim is enrolled as a student at a public or
18 nonpublic secondary school and the accused held a position
19 of trust, authority, or supervision in relation to the
20 victim in connection with an educational or
21 extracurricular program or activity, regardless of the
22 location of the commission of the act.

23 (b) Sentence.

24 (1) Criminal sexual assault is a Class 1 felony,

1 except that:

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

22 (B) A person who has attained the age of 18 years
23 at the time of the commission of the offense and who is
24 convicted of the offense of criminal sexual assault as
25 defined in paragraph (a) (1) or (a) (2) after having
26 previously been convicted of the offense of aggravated

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

17 (C) A second or subsequent conviction for a
18 violation of paragraph (a)(3), ~~or (a)(4)~~, or (a)(5) or
19 under any similar statute of this State or any other
20 state for any offense involving criminal sexual
21 assault that is substantially equivalent to or more
22 serious than the sexual assault prohibited under
23 paragraph (a)(3), ~~or (a)(4)~~, or (a)(5) is a Class X
24 felony.

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

1 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

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

3 (a) A person commits aggravated criminal sexual abuse if
4 that person commits criminal sexual abuse and any of the
5 following aggravating circumstances exist (i) during the
6 commission of the offense or (ii) for purposes of paragraph
7 (7), as part of the same course of conduct as the commission of
8 the offense:

9 (1) the person displays, threatens to use, or uses a
10 dangerous weapon or any other object fashioned or used in
11 a manner that leads the victim, under the circumstances,
12 reasonably to believe that the object is a dangerous
13 weapon;

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

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

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

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

19 (6) the person commits the criminal sexual abuse
20 during the course of committing or attempting to commit
21 any other felony; or

22 (7) the person delivers (by injection, inhalation,
23 ingestion, transfer of possession, or any other means) any
24 controlled substance to the victim for other than medical
25 purposes without the victim's consent or by threat or
26 deception.

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

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

5 (1) that person is 17 years of age or over and: (i)
6 commits an act of sexual conduct with a victim who is under
7 13 years of age; or (ii) commits an act of sexual conduct
8 with a victim who is at least 13 years of age but under 17
9 years of age and the person uses force or threat of force
10 to commit the act; or

11 (2) that person is under 17 years of age and: (i)
12 commits an act of sexual conduct with a victim who is under
13 9 years of age; or (ii) commits an act of sexual conduct
14 with a victim who is at least 9 years of age but under 17
15 years of age and the person uses force or threat of force
16 to commit the act.

17 (d) A person commits aggravated criminal sexual abuse if
18 that person commits an act of sexual penetration or sexual
19 conduct with a victim who is at least 13 years of age but under
20 17 years of age and the person is at least 5 years older than
21 the victim.

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

25 (f) A person commits aggravated criminal sexual abuse if
26 that person commits an act of sexual conduct with a victim who

1 is at least 13 years of age but under 18 years of age and the
2 person is 17 years of age or over and holds a position of
3 trust, authority, or supervision in relation to the victim.

4 (f-5) A person commits aggravated criminal sexual abuse if
5 that person commits an act of sexual conduct with a victim who
6 is enrolled as a student at a public or nonpublic secondary
7 school and the accused held a position of trust, authority, or
8 supervision in relation to the victim in connection with an
9 educational or extracurricular program or activity, regardless
10 of the location of the commission of the act.

11 (g) Sentence. Aggravated criminal sexual abuse is a Class
12 2 felony.

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

14 (720 ILCS 5/11-25)

15 Sec. 11-25. Grooming.

16 (a) A person commits grooming when he or she knowingly
17 uses a computer on-line service, Internet service, local
18 bulletin board service, or any other device capable of
19 electronic data storage or transmission or performs an act in
20 person or by conduct through a third party to seduce, solicit,
21 lure, or entice, or attempt to seduce, solicit, lure, or
22 entice, a child, a child's guardian, or another person
23 believed by the person to be a child or a child's guardian, to
24 commit any sex offense as defined in Section 2 of the Sex
25 Offender Registration Act, to distribute photographs depicting

1 the sex organs of the child, or to otherwise engage in any
2 unlawful sexual conduct with a child or with another person
3 believed by the person to be a child. As used in this Section,
4 "child" means a person under 17 years of age.

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

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law, except that Section 5 takes effect on July 1,
9 2022.