



Sen. Scott M. Bennett

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10200HB1975sam002

LRB102 16364 CMG 28904 a

1 AMENDMENT TO HOUSE BILL 1975

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1975 by replacing  
3 everything after the enacting clause with the following:

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 2-3.188 and 22-85.5 and by changing Sections 21B-45 and 27A-5  
7 as follows:

8 (105 ILCS 5/2-3.188 new)

9 Sec. 2-3.188. Resource guide.

10 (a) By July 1, 2023, 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

1 resources available in their community. The resource guide  
2 shall, at a minimum, provide all of the following information:

3 (1) Contact information, the location, and a list of  
4 the services provided by or available through accredited  
5 children's advocacy centers.

6 (2) Contact information and a list of the services  
7 offered by organizations that provide medical evaluations  
8 and treatment to victims of child sexual abuse.

9 (3) Contact information and a list of the services  
10 offered by organizations that provide mental health  
11 evaluations and services to victims and the families of  
12 victims of child sexual abuse.

13 (4) Contact information of organizations that offer  
14 legal assistance to and provide advocacy on behalf of  
15 victims of child sexual abuse.

16 (b) At the beginning of the school year, each school  
17 district, charter school, or nonpublic school shall notify the  
18 parents or guardians of enrolled students of the availability  
19 of the resource guide. Each school district, charter school,  
20 or nonpublic school shall furnish the resource guide to a  
21 student's parent or guardian at the request of the parent or  
22 guardian and may also make the resource guide available on its  
23 Internet website.

24 (c) The State Board of Education shall periodically review  
25 the information contained in the resource guide and update the  
26 information as necessary.

1 (105 ILCS 5/21B-45)

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

3 (a) Individuals holding a Professional Educator License  
4 are required to complete the licensure renewal requirements as  
5 specified in this Section, unless otherwise provided in this  
6 Code.

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

14 (b) All Professional Educator Licenses not renewed as  
15 provided in this Section shall lapse on September 1 of that  
16 year. Notwithstanding any other provisions of this Section, if  
17 a license holder's electronic mail address is available, the  
18 State Board of Education shall send him or her notification  
19 electronically that his or her license will lapse if not  
20 renewed, to be sent no more than 6 months prior to the license  
21 lapsing. Lapsed licenses may be immediately reinstated upon  
22 (i) payment by the applicant of a \$500 penalty to the State  
23 Board of Education or (ii) the demonstration of proficiency by  
24 completing 9 semester hours of coursework from a regionally  
25 accredited institution of higher education in the content area

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

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

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

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

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

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

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

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

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

4 (5) higher education coursework.

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

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

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

25 (3) Any licensee with an administrative endorsement  
26 who is working in a position requiring such endorsement or

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

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

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

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

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

22 (7) For any renewal cycle in which professional  
23 development hours were required, but not fulfilled, the  
24 licensee shall complete any missed hours to total the  
25 minimum professional development hours required in this  
26 Section prior to September 1 of that year. Professional



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

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

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

25 (10) Individuals who hold exempt licenses prior to  
26 December 27, 2013 (the effective date of Public Act

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

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

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

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

25 (g) The following entities shall be designated as approved  
26 to provide professional development activities for the renewal

1 of Professional Educator Licenses:

2 (1) The State Board of Education.

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

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

8 (A) school administrators;

9 (B) principals;

10 (C) school business officials;

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

13 (E) school boards;

14 (F) school districts;

15 (G) parents; and

16 (H) school service personnel.

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

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

26 (6) A not-for-profit organization that, as of December

1 31, 2014 (the effective date of Public Act 98-1147), has  
2 had or has a grant from or a contract with the State Board  
3 of Education to provide professional development services  
4 in the area of English Learning to Illinois school  
5 districts, teachers, or administrators.

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

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

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

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

16 (2) improve the learning of students;

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

19 (4) deepen educator's content knowledge;

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

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

25 (7) use learning strategies appropriate to the  
26 intended goals;

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

3 (9) prepare educators to apply research to decision  
4 making; ~~or~~

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

10 (11) beginning on July 1, 2022, provide educators with  
11 training on the physical and mental health needs of  
12 students, student safety, educator ethics, professional  
13 conduct, and other topics that address the well-being of  
14 students and improve the academic and social-emotional  
15 outcomes of students.

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

18 (1) align professional development activities to the  
19 State-approved national standards for professional  
20 learning;

21 (2) meet the professional development criteria for  
22 Illinois licensure renewal;

23 (3) produce a rationale for the activity that explains  
24 how it aligns to State standards and identify the  
25 assessment for determining the expected impact on student  
26 learning or school improvement;

1           (4) maintain original documentation for completion of  
2           activities;

3           (5) provide license holders with evidence of  
4           completion of activities;

5           (6) request an Illinois Educator Identification Number  
6           (IEIN) for each educator during each professional  
7           development activity; and

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

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

21           (1) (Blank).

22           (2) Approved providers shall comply with the  
23          requirements in subsections (h) and (i) of this Section by  
24          annually submitting data to the State Board of Education  
25          demonstrating how the professional development activities  
26          impacted one or more of the following:

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

3 (B) educator and student social and emotional  
4 growth; or

5 (C) alignment to district or school improvement  
6 plans.

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

14 (k) Registration fees shall be paid for the next renewal  
15 cycle between April 1 and June 30 in the last year of each  
16 5-year renewal cycle using ELIS. If all required professional  
17 development hours for the renewal cycle have been completed  
18 and entered by the licensee, the licensee shall pay the  
19 registration fees for the next cycle using a form of credit or  
20 debit card.

21 (l) Any professional educator licensee endorsed for school  
22 support personnel who is employed and performing services in  
23 Illinois public schools and who holds an active and current  
24 professional license issued by the Department of Financial and  
25 Professional Regulation or a national certification board, as  
26 approved by the State Board of Education, related to the

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

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

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

21 (2) The State Educator Preparation and Licensure Board  
22 shall review each appeal regarding renewal of a license  
23 within 90 days after receiving the appeal in order to  
24 determine whether the licensee has met the requirements of  
25 this Section. The State Educator Preparation and Licensure  
26 Board may hold an appeal hearing or may make its



1 determination based upon the record of review, which shall  
2 consist of the following:

3 (A) the regional superintendent of education's  
4 rationale for recommending nonrenewal of the license,  
5 if applicable;

6 (B) any evidence submitted to the State  
7 Superintendent along with the individual's electronic  
8 statement of assurance for renewal; and

9 (C) the State Superintendent's rationale for  
10 nonrenewal of the license.

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

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

21 (Source: P.A. 100-13, eff. 7-1-17; 100-339, eff. 8-25-17;  
22 100-596, eff. 7-1-18; 100-863, eff. 8-14-18; 101-85, eff.  
23 1-1-20; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20.)

24 (105 ILCS 5/22-85.5 new)

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

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

2       (b) The General Assembly finds that:

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

6           (2) it is important for staff to maintain a  
7       professional relationship with students at all times and  
8       to define staff-student boundaries to protect students  
9       from sexual misconduct by staff and staff from the  
10       appearance of impropriety;

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

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

16           (5) it is necessary to uphold the State Board of  
17       Education's Code of Ethics for Illinois Educators and for  
18       each school district, charter school, or nonpublic school  
19       to have an employee code of professional conduct policy;

20           (6) each school district, charter school, or nonpublic  
21       school must have the ability to discipline educators for  
22       breaches of its employee code of professional conduct  
23       policy;

24           (7) each school district, charter school, or nonpublic  
25       school must have the ability to know if any of its  
26       educators have violated professional staff-student

1 boundaries in previous employment; and

2 (8) as bystanders, educators may have knowledge of  
3 concerning behaviors that no one else is aware of, so they  
4 need adequate training on sexual abuse, the employee code  
5 of professional conduct policy, and federal and State  
6 reporting requirements.

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

15 (1) A sexual or romantic invitation.

16 (2) Dating or soliciting a date.

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 school shall  
26 develop an employee code of professional conduct policy that

1 addresses all of the following:

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

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

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

14 (A) Transporting a student.

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

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

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

24 (5) References required employee training that is  
25 related to child abuse and educator ethics that are  
26 applicable under State and federal law.

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

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

13       (105 ILCS 5/27A-5)

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

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

20       (b) A charter school may be established under this Article  
21 by creating a new school or by converting an existing public  
22 school or attendance center to charter school status.  
23 Beginning on April 16, 2003 (the effective date of Public Act  
24 93-3), in all new applications to establish a charter school  
25 in a city having a population exceeding 500,000, operation of

1 the charter school shall be limited to one campus. The changes  
2 made to this Section by Public Act 93-3 do not apply to charter  
3 schools existing or approved on or before April 16, 2003 (the  
4 effective date of Public Act 93-3).

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

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

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

1 enrolled in the charter school who may be selected through the  
2 charter school or a charter network election, appointment by  
3 the charter school's board of directors or other governing  
4 body, or by the charter school's Parent Teacher Organization  
5 or its equivalent.

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

25 (d) For purposes of this subsection (d), "non-curricular  
26 health and safety requirement" means any health and safety

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

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



1 including non-curricular health and safety requirements of the  
2 authorizing local school board.

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

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

21 (g) A charter school shall comply with all provisions of  
22 this Article, the Illinois Educational Labor Relations Act,  
23 all federal and State laws and rules applicable to public  
24 schools that pertain to special education and the instruction  
25 of English learners, and its charter. A charter school is  
26 exempt from all other State laws and regulations in this Code

1 governing public schools and local school board policies;  
2 however, a charter school is not exempt from the following:

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

8 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
9 34-84a of this Code regarding discipline of students;

10 (3) the Local Governmental and Governmental Employees  
11 Tort Immunity Act;

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

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

16 (5.5) subsection (b) of Section 10-23.12 and  
17 subsection (b) of Section 34-18.6 of this Code;

18 (6) the Illinois School Student Records Act;

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

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

22 (9) Section 27-23.7 of this Code regarding bullying  
23 prevention;

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

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

- 1 (12) Sections 10-20.60 and 34-18.53 of this Code;  
2 (13) Sections 10-20.63 and 34-18.56 of this Code;  
3 (14) Section 26-18 of this Code;  
4 (15) Section 22-30 of this Code;  
5 (16) Sections 24-12 and 34-85 of this Code;  
6 (17) the Seizure Smart School Act; ~~and~~  
7 (18) Section 2-3.64a-10 of this Code; ~~and~~  
8 (19) Section 2-3.188 of this Code; and  
9 (20) Section 22-85.5 of this Code.

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

12 (h) A charter school may negotiate and contract with a  
13 school district, the governing body of a State college or  
14 university or public community college, or any other public or  
15 for-profit or nonprofit private entity for: (i) the use of a  
16 school building and grounds or any other real property or  
17 facilities that the charter school desires to use or convert  
18 for use as a charter school site, (ii) the operation and  
19 maintenance thereof, and (iii) the provision of any service,  
20 activity, or undertaking that the charter school is required  
21 to perform in order to carry out the terms of its charter.  
22 However, a charter school that is established on or after  
23 April 16, 2003 (the effective date of Public Act 93-3) and that  
24 operates in a city having a population exceeding 500,000 may  
25 not contract with a for-profit entity to manage or operate the  
26 school during the period that commences on April 16, 2003 (the

1 effective date of Public Act 93-3) and concludes at the end of  
2 the 2004-2005 school year. Except as provided in subsection  
3 (i) of this Section, a school district may charge a charter  
4 school reasonable rent for the use of the district's  
5 buildings, grounds, and facilities. Any services for which a  
6 charter school contracts with a school district shall be  
7 provided by the district at cost. Any services for which a  
8 charter school contracts with a local school board or with the  
9 governing body of a State college or university or public  
10 community college shall be provided by the public entity at  
11 cost.

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

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

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

26 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;

1 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.  
2 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,  
3 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;  
4 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.  
5 3-8-21.)

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

8 (325 ILCS 5/3) (from Ch. 23, par. 2053)

9 Sec. 3. As used in this Act unless the context otherwise  
10 requires:

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

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

22 "Blatant disregard" means an incident where the real,  
23 significant, and imminent risk of harm would be so obvious to a  
24 reasonable parent or caretaker that it is unlikely that a

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

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

18 "Department" means Department of Children and Family  
19 Services.

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

24 "Abused child" means a child whose parent or immediate  
25 family member, or any person responsible for the child's  
26 welfare, or any individual residing in the same home as the

1 child, or a paramour of the child's parent:

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

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

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

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

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

24 (f) commits or allows to be committed the offense of  
25 female genital mutilation, as defined in Section 12-34 of  
26 the Criminal Code of 2012, against the child;

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

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

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

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

21 "Neglected child" means any child who is not receiving the  
22 proper or necessary nourishment or medically indicated  
23 treatment including food or care not provided solely on the  
24 basis of the present or anticipated mental or physical  
25 impairment as determined by a physician acting alone or in  
26 consultation with other physicians or otherwise is not



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

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

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

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

23 "Great bodily harm" includes bodily injury which creates a  
24 high probability of death, or which causes serious permanent  
25 disfigurement, or which causes a permanent or protracted loss  
26 or impairment of the function of any bodily member or organ, or

1 other serious bodily harm.

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

21 "Temporary protective custody" means custody within a  
22 hospital or other medical facility or a place previously  
23 designated for such custody by the Department, subject to  
24 review by the Court, including a licensed foster home, group  
25 home, or other institution; but such place shall not be a jail  
26 or other place for the detention of criminal or juvenile

1 offenders.

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

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

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

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

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

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

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

1           Section 15. The Criminal Code of 2012 is amended by  
2 changing Section 11-25 as follows:

3           (720 ILCS 5/11-25)

4           Sec. 11-25. Grooming.

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

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

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

22           Section 99. Effective date. This Section and Sections 5  
23 and 10 take effect upon becoming law."