



Rep. Michelle Mussman

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10200HB4316ham002

LRB102 20411 RJT 36670 a

1 AMENDMENT TO HOUSE BILL 4316

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4316 as follows:

3 on page 1, line 5, after "10-21.9," by inserting "21B-75,  
4 26A-30,"; and

5 on page 13, immediately below line 11, by inserting the  
6 following:

7 "(105 ILCS 5/21B-75)

8 Sec. 21B-75. Suspension or revocation of license,  
9 endorsement, or approval.

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

14 (b) The State Superintendent of Education has the  
15 exclusive authority, in accordance with this Section and any

1 rules adopted by the State Board of Education, in consultation  
2 with the State Educator Preparation and Licensure Board, to  
3 initiate the suspension of up to 5 calendar years or  
4 revocation of any license, endorsement, or approval issued  
5 pursuant to this Article for abuse or neglect of a child,  
6 sexual misconduct as defined in subsection (c) of Section  
7 22-85.5 of this Code, immorality, a condition of health  
8 detrimental to the welfare of pupils, incompetency,  
9 unprofessional conduct (which includes the failure to disclose  
10 on an employment application any previous conviction for a sex  
11 offense, as defined in Section 21B-80 of this Code, or any  
12 other offense committed in any other state or against the laws  
13 of the United States that, if committed in this State, would be  
14 punishable as a sex offense, as defined in Section 21B-80 of  
15 this Code), the neglect of any professional duty, willful or  
16 negligent failure to report an instance of suspected child  
17 abuse or neglect as required by the Abused and Neglected Child  
18 Reporting Act, or other just cause. Negligent failure to  
19 report an instance of suspected child abuse or neglect occurs  
20 when a teacher personally observes an instance of suspected  
21 child abuse or neglect and reasonably believes, in his or her  
22 professional or official capacity, that the instance  
23 constitutes an act of child abuse or neglect under the Abused  
24 and Neglected Child Reporting Act, and he or she, without  
25 willful intent, fails to immediately report or cause a report  
26 to be made of the suspected abuse or neglect to the Department

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

- 26 (1) Whether the unsatisfactory evaluation ratings

1 occurred prior to June 13, 2011 (the effective date of  
2 Public Act 97-8).

3 (2) Whether the unsatisfactory evaluation ratings  
4 occurred prior to or after the implementation date, as  
5 defined in Section 24A-2.5 of this Code, of an evaluation  
6 system for teachers in a school district.

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

11 (4) The time between the unsatisfactory evaluation  
12 ratings.

13 (5) The quality of the remediation plans associated  
14 with the unsatisfactory evaluation ratings and whether the  
15 license holder successfully completed the remediation  
16 plans.

17 (6) Whether the unsatisfactory evaluation ratings were  
18 related to the same or different assignments performed by  
19 the license holder.

20 (7) Whether one or more of the unsatisfactory  
21 evaluation ratings occurred in the first year of a  
22 teaching or administrative assignment.

23 When initiating an action against one or more licenses, the  
24 State Superintendent may seek required professional  
25 development as a sanction in lieu of or in addition to  
26 suspension or revocation. Any such required professional

1 development must be at the expense of the license holder, who  
2 may use, if available and applicable to the requirements  
3 established by administrative or court order, training,  
4 coursework, or other professional development funds in  
5 accordance with the terms of an applicable collective  
6 bargaining agreement entered into after June 13, 2011 (the  
7 effective date of Public Act 97-8), unless that agreement  
8 specifically precludes use of funds for such purpose.

9 (c) The State Superintendent of Education shall, upon  
10 receipt of evidence of abuse or neglect of a child,  
11 immorality, a condition of health detrimental to the welfare  
12 of pupils, incompetency (subject to subsection (b) of this  
13 Section), unprofessional conduct, the neglect of any  
14 professional duty, or other just cause, further investigate  
15 and, if and as appropriate, serve written notice to the  
16 individual and afford the individual opportunity for a hearing  
17 prior to suspension, revocation, or other sanction; provided  
18 that the State Superintendent is under no obligation to  
19 initiate such an investigation if the Department of Children  
20 and Family Services is investigating the same or substantially  
21 similar allegations and its child protective service unit has  
22 not made its determination, as required under Section 7.12 of  
23 the Abused and Neglected Child Reporting Act. If the State  
24 Superintendent of Education does not receive from an  
25 individual a request for a hearing within 10 days after the  
26 individual receives notice, the suspension, revocation, or

1 other sanction shall immediately take effect in accordance  
2 with the notice. If a hearing is requested within 10 days after  
3 notice of an opportunity for hearing, it shall act as a stay of  
4 proceedings until the State Educator Preparation and Licensure  
5 Board issues a decision. Any hearing shall take place in the  
6 educational service region where the educator is or was last  
7 employed and in accordance with rules adopted by the State  
8 Board of Education, in consultation with the State Educator  
9 Preparation and Licensure Board, and such rules shall include  
10 without limitation provisions for discovery and the sharing of  
11 information between parties prior to the hearing. The standard  
12 of proof for any administrative hearing held pursuant to this  
13 Section shall be by the preponderance of the evidence. The  
14 decision of the State Educator Preparation and Licensure Board  
15 is a final administrative decision and is subject to judicial  
16 review by appeal of either party.

17 The State Board of Education may refuse to issue or may  
18 suspend the license of any person who fails to file a return or  
19 to pay the tax, penalty, or interest shown in a filed return or  
20 to pay any final assessment of tax, penalty, or interest, as  
21 required by any tax Act administered by the Department of  
22 Revenue, until such time as the requirements of any such tax  
23 Act are satisfied.

24 The exclusive authority of the State Superintendent of  
25 Education to initiate suspension or revocation of a license  
26 pursuant to this Section does not preclude a regional

1 superintendent of schools from cooperating with the State  
2 Superintendent or a State's Attorney with respect to an  
3 investigation of alleged misconduct.

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

24 (e) All correspondence, documentation, and other  
25 information so received by the regional superintendent of  
26 schools, the State Superintendent of Education, the State

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

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

22 (g) Any circuit court, upon the application of the State  
23 Superintendent of Education or the license holder, may, by  
24 order duly entered, require the attendance of witnesses and  
25 the production of relevant books and papers as part of any  
26 investigation or at any hearing the State Educator Preparation



1 and Licensure Board is authorized to conduct pursuant to this  
2 Section, and the court may compel obedience to its orders by  
3 proceedings for contempt.

4 (h) The State Board of Education shall receive an annual  
5 line item appropriation to cover fees associated with the  
6 investigation and prosecution of alleged educator misconduct  
7 and hearings related thereto.

8 (Source: P.A. 101-531, eff. 8-23-19; 102-552, eff. 1-1-22.);  
9 and

10 by replacing page 13, line 14 through page 27, line 20 with the  
11 following:

12 "(a) The governing body of each school district, charter  
13 school, or nonpublic school shall implement a procedure under  
14 which notice is provided to the parents or guardians of an  
15 enrolled student, unless the student is at least 18 years of  
16 age or emancipated, with whom an employee, agent of the  
17 school, or a contractor of the school is alleged to have  
18 engaged in sexual misconduct as defined in subsection (c) of  
19 Section 22-85.5 of this Code. Notice provided to the parent or  
20 guardian of a student with a disability must not conflict with  
21 the student's individualized education plan or a Section 504  
22 plan under the federal Rehabilitation Act of 1973 and the  
23 requirements of applicable State or federal law. The procedure  
24 shall include:

25 (1) Consideration of the time frame for providing

1 notice to the student and the student's parents or  
2 guardians if the alleged sexual misconduct is also being  
3 investigated by the Illinois Department of Children and  
4 Family Services or law enforcement as described in Section  
5 22-85 of this Code.

6 (2) Prior to notification of the student's parents or  
7 guardians, notification must first be provided to the  
8 student in a developmentally appropriate manner and  
9 include:

10 (A) that notice will be given to the student's  
11 parents or guardians;

12 (B) what information will be included in the  
13 notice to the student's parents or guardians;

14 (C) available resources for the student within the  
15 school and community in accordance with Article 26A of  
16 this Code and available counseling services under  
17 Section 3-550 of the Mental Health and Developmental  
18 Disabilities Code; and

19 (D) beginning July 1, 2025, the name and contact  
20 information for the domestic and sexual violence and  
21 parenting resource coordinator under Section 26A-35 of  
22 this Code.

23 (3) After notification of the student as required  
24 under paragraph (2), the student's parents or guardians  
25 shall be notified in writing:

26 (A) of the alleged misconduct; and

1           (B) of available resources for the student within  
2           the school and the community in accordance with  
3           Article 26A of this Code and, beginning on July 1,  
4           2025, the name and contact information for the  
5           domestic and sexual violence and parenting resource  
6           coordinator under Section 26A-35 of this Code.

7           (4) Notification must be provided as soon as feasible  
8           after the employing entity becomes aware that alleged  
9           misconduct may have occurred, subject to the requirements  
10           of subsection (f) of Section 22-85 of this Code.

11           (b) The governing body of each school district, charter  
12           school, or nonpublic school shall implement a procedure under  
13           which notice is provided to the parents or guardians of a  
14           student, subject to subsection (a), when any formal action has  
15           been taken by the governing body relating to the employment of  
16           the alleged perpetrator following the investigation of sexual  
17           misconduct, including whether employment was terminated or  
18           whether the governing body accepted the resignation of the  
19           employee. Notice provided to the parents or guardians of a  
20           student with a disability must not conflict with the student's  
21           individualized education plan or a Section 504 plan under the  
22           federal Rehabilitation Act of 1973 and the requirements of  
23           applicable State or federal law. The procedure shall include:

24           (1) Consideration of the time frame for providing  
25           notice to the student and the student's parents or  
26           guardians if the alleged sexual misconduct is also being

1 investigated by the Illinois Department of Children and  
2 Family Services or law enforcement as described in Section  
3 22-85 of this Code.

4 (2) Prior to notification of the student's parents or  
5 guardians, notification must first be provided to the  
6 student in a developmentally appropriate manner and  
7 include:

8 (A) that notice will be given to the student's  
9 parent or guardian of the governing body's action;

10 (B) what information will be included in the  
11 notice to the student's parents or guardians;

12 (C) available resources for the student within the  
13 school and community in accordance with Article 26A of  
14 this Code and available counseling services under  
15 Section 3-550 of the Mental Health and Developmental  
16 Disabilities Code; and

17 (D) beginning July 1, 2025, the name and contact  
18 information for the domestic and sexual violence and  
19 parenting resource coordinator under Section 26A-35 of  
20 this Code.

21 (3) After notification of the student as required  
22 paragraph (2), the student's parents or guardians shall be  
23 notified in writing:

24 (A) of the governing body's action;

25 (B) whether a report concerning the alleged sexual  
26 misconduct was or will be submitted to the State

1 Superintendent of Education and the applicable  
2 regional superintendent of schools pursuant to Section  
3 10-21.9 of this Code; and

4 (C) of available resources for the student within  
5 the school and the community in accordance with  
6 Article 26A of this Code and, beginning on July 1,  
7 2025, the name and contact information for the  
8 domestic and sexual violence and parenting resource  
9 coordinator under Section 26A-35 of this Code.

10 (4) Notification must be provided as soon as feasible  
11 after the board action is taken, subject to the  
12 requirements of subsection (f) of Section 22-85 of this  
13 Code.

14 (5) For the purposes of subsection (b), if the student  
15 is no longer enrolled at the time formal action is taken,  
16 sending written notice to the last known address in the  
17 student's file fulfills notification requirements.

18 (c) Notwithstanding any other provision of this Section,  
19 notification to the student prior to notification of the  
20 student's parents or guardians shall not be required to the  
21 extent an employee or agent of the school district, charter  
22 school, or nonpublic school deems it necessary to address an  
23 imminent risk of serious physical injury or death of a student  
24 or another person, including the victim. If prior notification  
25 to the student is not given, notification to the student shall  
26 be provided as soon as practicable and without delay following

1 the notification to the student's parents or guardians.

2 (d) Subsections (a) and (b) shall not apply if the  
3 student's parent or guardian is the alleged perpetrator of the  
4 misconduct.

5 (105 ILCS 5/22-94 new)

6 Sec. 22-94. Employment history review.

7 (a) This Section applies to all permanent and temporary  
8 positions for employment with a school or a contractor of a  
9 school involving direct contact with children or students.

10 (b) In this Section:

11 "Contractor" means firms holding contracts with any school  
12 including, but not limited to, food service workers, school  
13 bus drivers and other transportation employees, who have  
14 direct contact with children or students.

15 "Direct contact with children or students" means the  
16 possibility of care, supervision, guidance, or control of  
17 children or students or routine interaction with children or  
18 students.

19 "School" means a public or nonpublic elementary or  
20 secondary school.

21 "Sexual misconduct" has the meaning ascribed to it in  
22 subsection (c) of Section 22-85.5 of this Code.

23 (c) Prior to hiring an applicant to work directly with  
24 children or students, a school or contractor must ensure that  
25 the following criteria are met:

1           (1) the school or contractor has no knowledge or  
2 information pertaining to the applicant that would  
3 disqualify the applicant from employment;

4           (2) the applicant swears or affirms that the applicant  
5 is not disqualified from employment;

6           (3) using the template developed by the State Board of  
7 Education, the applicant provides all of the following:

8                 (A) a list, including the name, address, telephone  
9 number, and other relevant contact information of the  
10 following:

11                     (i) the applicant's current employer;

12                     (ii) all former employers of the applicant  
13 that were schools or school contractors, as well  
14 as all former employers at which the applicant had  
15 direct contact with children or students;

16                 (B) A written authorization that consents to and  
17 authorizes disclosure by the applicant's current and  
18 former employers under subparagraph (A) of this  
19 paragraph (3) of the information requested under  
20 paragraph (4) of this subsection (c) and the release  
21 of related records and that releases those employers  
22 from any liability that may arise from such disclosure  
23 or release of records pursuant to subsection (e).

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

25                     (i) has been the subject of a sexual  
26 misconduct allegation, unless a subsequent

1 investigation resulted in a finding that the  
2 allegation was false, unfounded, or  
3 unsubstantiated;

4 (ii) has ever been discharged from, been asked  
5 to resign from, resigned from, or otherwise been  
6 separated from any employment, has ever been  
7 disciplined by an employer, or has ever had an  
8 employment contract not renewed due to an  
9 adjudication or finding of sexual misconduct or  
10 while an allegation of sexual misconduct was  
11 pending or under investigation, unless the  
12 investigation resulted in a finding that the  
13 allegation was false, unfounded, or  
14 unsubstantiated; or

15 (iii) has ever had a license or certificate  
16 suspended, surrendered, or revoked or had an  
17 application for licensure, approval, or  
18 endorsement denied due to an adjudication or  
19 finding of sexual misconduct or while an  
20 allegation of sexual misconduct was pending or  
21 under investigation, unless the investigation  
22 resulted in a finding that the allegation was  
23 false, unfounded, or unsubstantiated.

24 (4) The school or contractor shall initiate a review  
25 of the employment history of the applicant by contacting  
26 those employers listed by the applicant under subparagraph



1       (A) of paragraph (3) of this subsection (c) and, using the  
2       template developed by the State Board of Education,  
3       request all of the following information:

4               (A) the dates of employment of the applicant;

5               (B) a statement as to whether the applicant:

6                       (i) has been the subject of a sexual  
7                       misconduct allegation, unless a subsequent  
8                       investigation resulted in a finding that the  
9                       allegation was false, unfounded, or  
10                      unsubstantiated;

11                      (ii) was discharged from, was asked to resign  
12                      from, resigned from, or was otherwise separated  
13                      from any employment, was disciplined by the  
14                      employer, or had an employment contract not  
15                      renewed due to an adjudication or finding of  
16                      sexual misconduct or while an allegation of sexual  
17                      misconduct was pending or under investigation,  
18                      unless the investigation resulted in a finding  
19                      that the allegation was false, unfounded, or  
20                      unsubstantiated; or

21                      (iii) has ever had a license or certificate  
22                      suspended, surrendered, or revoked due to an  
23                      adjudication or finding of sexual misconduct or  
24                      while an allegation of sexual misconduct was  
25                      pending or under investigation, unless the  
26                      investigation resulted in a finding that the

1           allegation was false, unfounded, or  
2           unsubstantiated.

3           (C) The template shall include the following  
4           option: if the employer does not have records or  
5           evidence regarding the questions in items (i) through  
6           (iii) of subparagraph (B) of paragraph (4) of  
7           subsection (c), the employer may state that there is  
8           no knowledge of information pertaining to the  
9           applicant that would disqualify the applicant from  
10           employment.

11           (5) For applicants licensed by the State Board of  
12           Education, the school district, charter school, or  
13           nonpublic school shall verify the applicant's reported  
14           previous employers with previous employers in the State  
15           Board of Education's educator licensure database to ensure  
16           accuracy.

17           (d) An applicant who provides false information or  
18           willfully fails to disclose information required in subsection  
19           (c) shall be subject to discipline, up to and including  
20           termination or denial of employment.

21           (e) No later than 20 days after receiving a request for  
22           information required under paragraph (4) of subsection (c), an  
23           employer who has or had an employment relationship with the  
24           applicant shall disclose the information requested. If the  
25           employer has an office of human resources or a central office,  
26           information shall be provided by that office. The employer who

1 has or had an employment relationship with the applicant shall  
2 disclose the information on the template developed by the  
3 State Board of Education. For any affirmative response to  
4 items (i) through (iii) of subparagraph (B) or paragraph (4)  
5 of subsection (c), the employer who has or had an employment  
6 relationship with the applicant shall provide additional  
7 information about the matters disclosed and all related  
8 records.

9 A school shall complete the template at time of separation  
10 from employment, or at the request of the employee, and  
11 maintain it as part of the employee's personnel file. If the  
12 school completes an investigation after an employee's  
13 separation from employment, the school shall update the  
14 information accordingly.

15 Information received under this Section shall not be  
16 deemed a public record.

17 A school or contractor who receives information under this  
18 subsection (e) may use the information for the purpose of  
19 evaluating an applicant's fitness to be hired or for continued  
20 employment and may report the information, as appropriate, to  
21 the State Board of Education, a State licensing agency, a law  
22 enforcement agency, a child protective services agency,  
23 another school or contractor, or a prospective employer.

24 An employer, school, school administrator, or contractor  
25 who provides information or records about a current or former  
26 employee or applicant under this Section is immune from

1 criminal and civil liability for the disclosure of the  
2 information or records, unless the information or records  
3 provided were knowingly false. This immunity shall be in  
4 addition to and not a limitation on any other immunity  
5 provided by law or any absolute or conditional privileges  
6 applicable to the disclosure by virtue of the circumstances or  
7 the applicant's consent to the disclosure and shall extent to  
8 any circumstances when the employer, school, school  
9 administrator, or contractor in good faith shares findings of  
10 sexual misconduct with another employer.

11 Unless the laws of another state prevent the release of  
12 the information or records requested or disclosure is  
13 restricted by the terms of a contract entered into prior to the  
14 effective date of this amendatory Act of the 102nd General  
15 Assembly, and notwithstanding any other provisions of law to  
16 the contrary, an employer, school, school administrator,  
17 contractor, or applicant shall report and disclose, in  
18 accordance with this Section, all relevant information,  
19 records, and documentation that may otherwise be confidential.

20 (f) A school or contractor may not hire an applicant who  
21 does not provide the information required under subsection (c)  
22 for a position involving direct contact with children or  
23 students.

24 (g) Beginning on the effective date of this amendatory Act  
25 of the 102nd General Assembly, a school or contractor may not  
26 enter into a collective bargaining agreement, an employment

1 contract, an agreement for resignation or termination, a  
2 severance agreement, or any other contract or agreement or  
3 take any action that:

4 (1) has the effect of suppressing information  
5 concerning a pending investigation or a completed  
6 investigation in which an allegation was substantiated  
7 related to a report of suspected sexual misconduct by a  
8 current or former employee;

9 (2) affects the ability of the school or contractor to  
10 report suspected sexual misconduct to the appropriate  
11 authorities; or

12 (3) requires the school or contractor to expunge  
13 information about allegations or findings of suspected  
14 sexual misconduct from any documents maintained by the  
15 school or contractor, unless, after an investigation, an  
16 allegation is found to be false, unfounded, or  
17 unsubstantiated.

18 (h) Any provision of an employment contract or agreement  
19 for resignation or termination or a severance agreement that  
20 is executed, amended, or entered into on or after the  
21 effective date of this amendatory Act of the 102nd General  
22 Assembly and that is contrary to this Section is void and  
23 unenforceable.

24 (i) For substitute employees, all of the following apply:

25 (1) The employment history review required by this  
26 Section is required only prior to the initial hiring of a

1 substitute employee or placement on a school's approved  
2 substitute list and shall remain valid as long as the  
3 substitute employee continues to be employed by the same  
4 school or remains on the school's approved substitute  
5 list.

6 (2) A substitute employee seeking to be added to  
7 another school's substitute list shall undergo an  
8 additional employment history review under this Section.  
9 Except as otherwise provided in paragraph (3) of this  
10 subsection (i) or in subsection (k), the appearance of a  
11 substitute employee on one school's substitute list does  
12 not relieve another school from compliance with this  
13 Section.

14 (3) An employment history review conducted upon  
15 initial hiring of a substitute employee by contractor or  
16 any other entity that furnishes substitute staffing  
17 services to schools shall satisfy the requirements of this  
18 Section for all schools using the services of that  
19 contractor or other entity.

20 (4) An contractor or any other entity furnishing  
21 substitute staffing services to schools shall comply with  
22 paragraphs (3) and (4) of subsection (j).

23 (j) For employees of contractors, all of the following  
24 apply:

25 (1) The employment history review required by this  
26 Section shall be performed, either at the time of the

1       initial hiring of an employee or prior to the assignment  
2       of an existing employee to perform work for a school in a  
3       position involving direct contact with children or  
4       students. The review shall remain valid as long as the  
5       employee remains employed by the same contractor, even if  
6       assigned to perform work for other schools.

7           (2) An contractor shall maintain records documenting  
8       employment history reviews for all employees as required  
9       by this Section and, upon request, shall provide a school  
10       for whom an employee is assigned to perform work access to  
11       the records pertaining to that employee.

12           (3) Prior to assigning an employee to perform work for  
13       a school in a position involving direct contact with  
14       children or students, the contractor shall inform the  
15       school of any instance known to the contractor in which  
16       the employee:

17           (A) has been the subject of a sexual misconduct  
18       allegation unless a subsequent investigation resulted  
19       in a finding that the allegation was false, unfounded,  
20       or unsubstantiated;

21           (B) has ever been discharged, been asked to resign  
22       from, resigned from, or otherwise been separated from  
23       any employment, been removed from a substitute list,  
24       been disciplined by an employer, or had an employment  
25       contract not renewed due to an adjudication or finding  
26       of sexual misconduct or while an allegation of sexual

1 misconduct was pending or under investigation, unless  
2 the investigation resulted in a finding that the  
3 allegation was false, unfounded, or unsubstantiated;  
4 or

5 (C) has ever had a license or certificate  
6 suspended, surrendered, or revoked renewed due to an  
7 adjudication or finding of sexual misconduct or while  
8 an allegation of sexual misconduct was pending or  
9 under investigation, unless the investigation resulted  
10 in a finding that the allegation was false, unfounded,  
11 or unsubstantiated.

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

17 (k) An applicant who has undergone an employment history  
18 review under this Section and seeks to transfer to or provide  
19 services to another school in the same school district,  
20 diocese, or religious jurisdiction, or to another school  
21 established and supervised by the same organization is not  
22 required to obtain additional reports under this Section  
23 before transferring.

24 (1) Nothing in this Section shall be construed:

25 (1) to prevent a prospective employer from conducting  
26 further investigations of prospective employees or from



1 requiring applicants to provide additional background  
2 information or authorizations beyond what is required  
3 under this Section, nor to prevent a current or former  
4 employer from disclosing more information than what is  
5 required under this Section;

6 (2) to relieve a school, school employee, contractor  
7 of the school, or agent of the school from any legal  
8 responsibility to report sexual misconduct in accordance  
9 with State and federal reporting requirements;

10 (3) to relieve a school, school employee, contractor  
11 of the school, or agent of the school from any legal  
12 responsibility to implement the provisions of Section 7926  
13 of Chapter 20 of the United States Code; or

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

18 (m) The State Board of Education shall develop the  
19 templates required under paragraphs (3) and (4) of subsection  
20 (c).

21 (105 ILCS 5/26A-30)

22 (This Section may contain text from a Public Act with a  
23 delayed effective date)

24 Sec. 26A-30. Confidentiality.

25 (a) Each school district must adopt and ensure that it has

1 and implements a policy to ensure that all information  
2 concerning a student's status and related experiences as a  
3 parent, expectant parent, or victim of domestic or sexual  
4 violence, or a student who is a named perpetrator of domestic  
5 or sexual violence, provided to or otherwise obtained by the  
6 school district or its employees or agents pursuant to this  
7 Code or otherwise, including a statement of the student or any  
8 other documentation, record, or corroborating evidence that  
9 the student has requested or obtained assistance, support, or  
10 services pursuant to this Code, shall be retained in the  
11 strictest of confidence by the school district or its  
12 employees or agents and may not be disclosed to any other  
13 individual outside of the district, including any other  
14 employee, except if such disclosure is (i) permitted by the  
15 Illinois School Student Records Act, the federal Family  
16 Educational Rights and Privacy Act of 1974, or other  
17 applicable State or federal laws, or (ii) requested or  
18 consented to, in writing, by the student or the student's  
19 parent or guardian if it is safe to obtain written consent from  
20 the student's parent or guardian.

21 (b) Prior to disclosing information about a student's  
22 status as a parent, expectant parent, or victim of domestic or  
23 sexual violence, a school must notify the student and discuss  
24 and address any safety concerns related to the disclosure,  
25 including instances in which the student indicates or the  
26 school or school district or its employees or agents are

1 otherwise aware that the student's health or safety may be at  
2 risk if his or her status is disclosed to the student's parent  
3 or guardian, except as otherwise permitted by applicable State  
4 or federal law, including the Abused and Neglected Child  
5 Reporting Act, the Illinois School Student Records Act, the  
6 federal Family Educational Rights and Privacy Act of 1974, and  
7 professional ethics policies that govern professional school  
8 personnel.

9 (c) No student may be required to testify publicly  
10 concerning his or her status as a victim of domestic or sexual  
11 violence, allegations of domestic or sexual violence, his or  
12 her status as a parent or expectant parent, or the student's  
13 efforts to enforce any of his or her rights under provisions of  
14 this Code relating to students who are parents, expectant  
15 parents, or victims of domestic or sexual violence.

16 (d) In the case of domestic or sexual violence, except as  
17 permitted under State or federal law, or to the extent that a  
18 school official determines that the school official has an  
19 obligation to do so based on safety concerns or threats to the  
20 community, including the victim, a school district must not  
21 contact the person named to be the perpetrator, the  
22 perpetrator's family, or any other person named by the student  
23 or named by the student's parent or guardian to be unsafe to  
24 contact to verify the violence. A school district must not  
25 contact the perpetrator, the perpetrator's family, or any  
26 other person named by the student or the student's parent or

1 guardian to be unsafe for any other reason without providing  
2 prior written notice to the student's parent or guardian.  
3 Nothing in this Section prohibits the school or school  
4 district from taking other steps to investigate the violence  
5 or from contacting persons not named by the student or the  
6 student's parent or guardian as unsafe to contact. Nothing in  
7 this Section prohibits the school or school district from  
8 taking reasonable steps to protect students. If the reasonable  
9 steps taken to protect students involve conduct that is  
10 prohibited under this subsection, the school must provide  
11 notice to the reporting student, in writing and in a  
12 developmentally appropriate communication format, of its  
13 intent to contact the parties named to be unsafe.

14 (e) This Section shall not apply to notification of  
15 parents or guardians if the perpetrator of the alleged sexual  
16 misconduct is an employee, agent, or contractor of a school  
17 district, charter school, or nonpublic school with direct  
18 contact with children or students.

19 (Source: P.A. 102-466, eff. 7-1-25.); and

20 on page 64, line 8, by replacing "misconduct." with  
21 "misconduct as defined in subsection (c) of Section 22-85.5 of  
22 this Code."; and

23 on page 64, by replacing lines 17 through 18 with the  
24 following:

1           "Section 99. Effective date. This Act takes effect on July  
2    1, 2023."