

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by adding Section  
5 22-89 as follows:

6 (105 ILCS 5/22-89 new)

7 Sec. 22-89. School guidance counselor; gift ban.

8 (a) In this Section:

9 "Guidance counselor" means a person employed by a school  
10 district and working in a high school to offer students advice  
11 and assistance in making career or college plans.

12 "Prohibited source" means any person who is employed by an  
13 institution of higher education or is an agent or spouse of or  
14 an immediate family member living with a person employed by an  
15 institution of higher education.

16 "Relative" means an individual related to another as  
17 father, mother, son, daughter, brother, sister, uncle, aunt,  
18 great-aunt, great-uncle, first cousin, nephew, niece, husband,  
19 wife, grandfather, grandmother, grandson, granddaughter,  
20 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
21 brother-in-law, sister-in-law, stepfather, stepmother,  
22 stepson, stepdaughter, stepbrother, stepsister, half brother,  
23 or half sister or the father, mother, grandfather, or

1 grandmother of the individual's spouse or the individual's  
2 fiance or fiancée.

3 (b) A guidance counselor may not intentionally solicit or  
4 accept any gift from a prohibited source or solicit or accept a  
5 gift that would be in violation of any federal or State statute  
6 or rule. A prohibited source may not intentionally offer or  
7 make a gift that violates this Section.

8 (c) The prohibition in subsection (b) does not apply to any  
9 of the following:

10 (1) Opportunities, benefits, and services that are  
11 available on the same conditions as for the general public.

12 (2) Anything for which the guidance counselor pays the  
13 market value.

14 (3) A gift from a relative.

15 (4) Anything provided by an individual on the basis of  
16 a personal friendship, unless the guidance counselor has  
17 reason to believe that, under the circumstances, the gift  
18 was provided because of the official position or employment  
19 of the guidance counselor and not because of the personal  
20 friendship. In determining whether a gift is provided on  
21 the basis of personal friendship, the guidance counselor  
22 must consider the circumstances in which the gift was  
23 offered, including any of the following:

24 (A) The history of the relationship between the  
25 individual giving the gift and the guidance counselor,  
26 including any previous exchange of gifts between those

1 individuals.

2 (B) Whether, to the actual knowledge of the  
3 guidance counselor, the individual who gave the gift  
4 personally paid for the gift or sought a tax deduction  
5 or business reimbursement for the gift.

6 (C) Whether, to the actual knowledge of the  
7 guidance counselor, the individual who gave the gift  
8 also, at the same time, gave the same or a similar gift  
9 to other school district employees.

10 (5) Bequests, inheritances, or other transfers at  
11 death.

12 (6) Any item or items from any one prohibited source  
13 during any calendar year having a cumulative total value of  
14 less than \$100.

15 Each exception listed under this subsection is mutually  
16 exclusive and independent of one another.

17 (d) A guidance counselor is not in violation of this  
18 Section if he or she promptly takes reasonable action to return  
19 the gift to the prohibited source or donates the gift or an  
20 amount equal to its value to an appropriate charity that is  
21 exempt from income taxation under Section 501(c)(3) of the  
22 Internal Revenue Code of 1986.

23 A guidance counselor or prohibited source who  
24 intentionally violates this Section is guilty of a business  
25 offense and is subject to a fine of at least \$1,001 and up to  
26 \$5,000.