



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0223

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Requires the State Board of Education to establish a hotline for the purpose of receiving reports on instances of sexual abuse or sexual assault by a licensed educator or any other school employee or volunteer. Provides that the number of the hotline and its anonymous nature must be posted in every school in this State. Requires each school report card to include the most current data possessed by the State Board on the number of allegations of sexual assault or sexual abuse by a licensed educator or any other school district employee or volunteer reported at a school and any pertinent information related to an allegation. Provides that if an employee of a school district or a regional office of education fails to perform a criminal history records check or a check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database as required under the Code for an applicant seeking employment with the school district or ignores the results of any of those checks, he or she must be suspended from employment. Amends the Abused and Neglected Child Reporting Act. With regard to the requirement to report to the Department of Children and Family Services a child who may be an abused child or a neglected child, increases the penalty for a person who knowingly and willfully violates the requirement to a Class 4 felony (rather than a Class A misdemeanor) for a first violation and a Class 3 felony (rather than a Class 4 felony) for a second or subsequent violation.

LRB101 04394 AXK 49402 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The School Code is amended by adding Section
5 2-3.176 and by changing Sections 10-17a, 10-21.9, and 34-18.5
6 as follows:

7 (105 ILCS 5/2-3.176 new)

8 Sec. 2-3.176. Sexual abuse or sexual assault; hotline. The
9 State Board of Education must establish a hotline for the
10 purpose of receiving reports on instances of sexual abuse or
11 sexual assault by a licensed educator or any other school
12 employee or volunteer. The number of the hotline and its
13 anonymous nature must be posted in every school in this State.

14 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

15 (Text of Section before amendment by P.A. 100-448)

16 Sec. 10-17a. State, school district, and school report
17 cards.

18 (1) By October 31, 2013 and October 31 of each subsequent
19 school year, the State Board of Education, through the State
20 Superintendent of Education, shall prepare a State report card,
21 school district report cards, and school report cards, and
22 shall by the most economic means provide to each school

1 district in this State, including special charter districts and
2 districts subject to the provisions of Article 34, the report
3 cards for the school district and each of its schools.

4 (2) In addition to any information required by federal law,
5 the State Superintendent shall determine the indicators and
6 presentation of the school report card, which must include, at
7 a minimum, the most current data collected and maintained by
8 the State Board of Education related to the following:

9 (A) school characteristics and student demographics,
10 including average class size, average teaching experience,
11 student racial/ethnic breakdown, and the percentage of
12 students classified as low-income; the percentage of
13 students classified as English learners; the percentage of
14 students who have individualized education plans or 504
15 plans that provide for special education services; the
16 number and percentage of all students who have been
17 assessed for placement in a gifted education or advanced
18 academic program and, of those students: (i) the racial and
19 ethnic breakdown, (ii) the percentage who are classified as
20 low-income, and (iii) the number and percentage of students
21 who received direct instruction from a teacher who holds a
22 gifted education endorsement and, of those students, the
23 percentage who are classified as low-income; the
24 percentage of students scoring at the "exceeds
25 expectations" level on the assessments required under
26 Section 2-3.64a-5 of this Code; the percentage of students

1 who annually transferred in or out of the school district;
2 the per-pupil operating expenditure of the school
3 district; and the per-pupil State average operating
4 expenditure for the district type (elementary, high
5 school, or unit);

6 (B) curriculum information, including, where
7 applicable, Advanced Placement, International
8 Baccalaureate or equivalent courses, dual enrollment
9 courses, foreign language classes, school personnel
10 resources (including Career Technical Education teachers),
11 before and after school programs, extracurricular
12 activities, subjects in which elective classes are
13 offered, health and wellness initiatives (including the
14 average number of days of Physical Education per week per
15 student), approved programs of study, awards received,
16 community partnerships, and special programs such as
17 programming for the gifted and talented, students with
18 disabilities, and work-study students;

19 (C) student outcomes, including, where applicable, the
20 percentage of students deemed proficient on assessments of
21 State standards, the percentage of students in the eighth
22 grade who pass Algebra, the percentage of students enrolled
23 in post-secondary institutions (including colleges,
24 universities, community colleges, trade/vocational
25 schools, and training programs leading to career
26 certification within 2 semesters of high school

1 graduation), the percentage of students graduating from
2 high school who are college and career ready, and the
3 percentage of graduates enrolled in community colleges,
4 colleges, and universities who are in one or more courses
5 that the community college, college, or university
6 identifies as a developmental course;

7 (D) student progress, including, where applicable, the
8 percentage of students in the ninth grade who have earned 5
9 credits or more without failing more than one core class, a
10 measure of students entering kindergarten ready to learn, a
11 measure of growth, and the percentage of students who enter
12 high school on track for college and career readiness;

13 (E) the school environment, including, where
14 applicable, the percentage of students with less than 10
15 absences in a school year, the percentage of teachers with
16 less than 10 absences in a school year for reasons other
17 than professional development, leaves taken pursuant to
18 the federal Family Medical Leave Act of 1993, long-term
19 disability, or parental leaves, the 3-year average of the
20 percentage of teachers returning to the school from the
21 previous year, the number of different principals at the
22 school in the last 6 years, the number of teachers who hold
23 a gifted education endorsement, the process and criteria
24 used by the district to determine whether a student is
25 eligible for participation in a gifted education program or
26 advanced academic program and the manner in which parents

1 and guardians are made aware of the process and criteria, 2
2 or more indicators from any school climate survey selected
3 or approved by the State and administered pursuant to
4 Section 2-3.153 of this Code, with the same or similar
5 indicators included on school report cards for all surveys
6 selected or approved by the State pursuant to Section
7 2-3.153 of this Code, and the combined percentage of
8 teachers rated as proficient or excellent in their most
9 recent evaluation;

10 (F) a school district's and its individual schools'
11 balanced accountability measure, in accordance with
12 Section 2-3.25a of this Code;

13 (G) the total and per pupil normal cost amount the
14 State contributed to the Teachers' Retirement System of the
15 State of Illinois in the prior fiscal year for the school's
16 employees, which shall be reported to the State Board of
17 Education by the Teachers' Retirement System of the State
18 of Illinois;

19 (H) for a school district organized under Article 34 of
20 this Code only, State contributions to the Public School
21 Teachers' Pension and Retirement Fund of Chicago and State
22 contributions for health care for employees of that school
23 district;

24 (I) a school district's Final Percent of Adequacy, as
25 defined in paragraph (4) of subsection (f) of Section
26 18-8.15 of this Code;

1 (J) a school district's Local Capacity Target, as
2 defined in paragraph (2) of subsection (c) of Section
3 18-8.15 of this Code, displayed as a percentage amount;

4 (K) a school district's Real Receipts, as defined in
5 paragraph (1) of subsection (d) of Section 18-8.15 of this
6 Code, divided by a school district's Adequacy Target, as
7 defined in paragraph (1) of subsection (b) of Section
8 18-8.15 of this Code, displayed as a percentage amount; ~~and~~

9 (L) a school district's administrative costs; ~~and~~

10 (M) ~~(L)~~ whether or not the school has participated in
11 the Illinois Youth Survey. In this paragraph (M) ~~(L)~~,
12 "Illinois Youth Survey" means a self-report survey,
13 administered in school settings every 2 years, designed to
14 gather information about health and social indicators,
15 including substance abuse patterns and the attitudes of
16 students in grades 8, 10, and 12; ~~and~~ ~~and~~

17 (N) the number of allegations of sexual assault or
18 sexual abuse by a licensed educator or any other school
19 district employee or volunteer reported at a school and any
20 pertinent information related to an allegation.

21 The school report card shall also provide information that
22 allows for comparing the current outcome, progress, and
23 environment data to the State average, to the school data from
24 the past 5 years, and to the outcomes, progress, and
25 environment of similar schools based on the type of school and
26 enrollment of low-income students, special education students,

1 and English learners.

2 As used in this subsection (2):

3 "Administrative costs" means costs associated with
4 executive, administrative, or managerial functions within the
5 school district that involve planning, organizing, managing,
6 or directing the school district.

7 "Advanced academic program" means a course of study to
8 which students are assigned based on advanced cognitive ability
9 or advanced academic achievement compared to local age peers
10 and in which the curriculum is substantially differentiated
11 from the general curriculum to provide appropriate challenge
12 and pace.

13 "Gifted education" means educational services, including
14 differentiated curricula and instructional methods, designed
15 to meet the needs of gifted children as defined in Article 14A
16 of this Code.

17 (3) At the discretion of the State Superintendent, the
18 school district report card shall include a subset of the
19 information identified in paragraphs (A) through (E) of
20 subsection (2) of this Section, as well as information relating
21 to the operating expense per pupil and other finances of the
22 school district, and the State report card shall include a
23 subset of the information identified in paragraphs (A) through
24 (E) of subsection (2) of this Section.

25 (4) Notwithstanding anything to the contrary in this
26 Section, in consultation with key education stakeholders, the

1 State Superintendent shall at any time have the discretion to
2 amend or update any and all metrics on the school, district, or
3 State report card.

4 (5) Annually, no more than 30 calendar days after receipt
5 of the school district and school report cards from the State
6 Superintendent of Education, each school district, including
7 special charter districts and districts subject to the
8 provisions of Article 34, shall present such report cards at a
9 regular school board meeting subject to applicable notice
10 requirements, post the report cards on the school district's
11 Internet web site, if the district maintains an Internet web
12 site, make the report cards available to a newspaper of general
13 circulation serving the district, and, upon request, send the
14 report cards home to a parent (unless the district does not
15 maintain an Internet web site, in which case the report card
16 shall be sent home to parents without request). If the district
17 posts the report card on its Internet web site, the district
18 shall send a written notice home to parents stating (i) that
19 the report card is available on the web site, (ii) the address
20 of the web site, (iii) that a printed copy of the report card
21 will be sent to parents upon request, and (iv) the telephone
22 number that parents may call to request a printed copy of the
23 report card.

24 (6) Nothing contained in Public Act 98-648 repeals,
25 supersedes, invalidates, or nullifies final decisions in
26 lawsuits pending on July 1, 2014 (the effective date of Public

1 Act 98-648) in Illinois courts involving the interpretation of
2 Public Act 97-8.

3 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;
4 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.
5 1-1-18; 100-465, eff. 8-31-17; 100-807, eff. 8-10-18; 100-863,
6 eff. 8-14-18; 100-1121, eff. 1-1-19; revised 12-19-18.)

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21 a minimum, the most current data collected and maintained by
22 the State Board of Education related to the following:

23 (A) school characteristics and student demographics,
24 including average class size, average teaching experience,
25 student racial/ethnic breakdown, and the percentage of

1 students classified as low-income; the percentage of
2 students classified as English learners; the percentage of
3 students who have individualized education plans or 504
4 plans that provide for special education services; the
5 number and percentage of all students who have been
6 assessed for placement in a gifted education or advanced
7 academic program and, of those students: (i) the racial and
8 ethnic breakdown, (ii) the percentage who are classified as
9 low-income, and (iii) the number and percentage of students
10 who received direct instruction from a teacher who holds a
11 gifted education endorsement and, of those students, the
12 percentage who are classified as low-income; the
13 percentage of students scoring at the "exceeds
14 expectations" level on the assessments required under
15 Section 2-3.64a-5 of this Code; the percentage of students
16 who annually transferred in or out of the school district;
17 average daily attendance; the per-pupil operating
18 expenditure of the school district; and the per-pupil State
19 average operating expenditure for the district type
20 (elementary, high school, or unit);

21 (B) curriculum information, including, where
22 applicable, Advanced Placement, International
23 Baccalaureate or equivalent courses, dual enrollment
24 courses, foreign language classes, school personnel
25 resources (including Career Technical Education teachers),
26 before and after school programs, extracurricular

1 activities, subjects in which elective classes are
2 offered, health and wellness initiatives (including the
3 average number of days of Physical Education per week per
4 student), approved programs of study, awards received,
5 community partnerships, and special programs such as
6 programming for the gifted and talented, students with
7 disabilities, and work-study students;

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9 percentage of students deemed proficient on assessments of
10 State standards, the percentage of students in the eighth
11 grade who pass Algebra, the percentage of students enrolled
12 in post-secondary institutions (including colleges,
13 universities, community colleges, trade/vocational
14 schools, and training programs leading to career
15 certification within 2 semesters of high school
16 graduation), the percentage of students graduating from
17 high school who are college and career ready, and the
18 percentage of graduates enrolled in community colleges,
19 colleges, and universities who are in one or more courses
20 that the community college, college, or university
21 identifies as a developmental course;

22 (D) student progress, including, where applicable, the
23 percentage of students in the ninth grade who have earned 5
24 credits or more without failing more than one core class, a
25 measure of students entering kindergarten ready to learn, a
26 measure of growth, and the percentage of students who enter

1 high school on track for college and career readiness;

2 (E) the school environment, including, where
3 applicable, the percentage of students with less than 10
4 absences in a school year, the percentage of teachers with
5 less than 10 absences in a school year for reasons other
6 than professional development, leaves taken pursuant to
7 the federal Family Medical Leave Act of 1993, long-term
8 disability, or parental leaves, the 3-year average of the
9 percentage of teachers returning to the school from the
10 previous year, the number of different principals at the
11 school in the last 6 years, the number of teachers who hold
12 a gifted education endorsement, the process and criteria
13 used by the district to determine whether a student is
14 eligible for participation in a gifted education program or
15 advanced academic program and the manner in which parents
16 and guardians are made aware of the process and criteria, 2
17 or more indicators from any school climate survey selected
18 or approved by the State and administered pursuant to
19 Section 2-3.153 of this Code, with the same or similar
20 indicators included on school report cards for all surveys
21 selected or approved by the State pursuant to Section
22 2-3.153 of this Code, and the combined percentage of
23 teachers rated as proficient or excellent in their most
24 recent evaluation;

25 (F) a school district's and its individual schools'
26 balanced accountability measure, in accordance with

1 Section 2-3.25a of this Code;

2 (G) the total and per pupil normal cost amount the
3 State contributed to the Teachers' Retirement System of the
4 State of Illinois in the prior fiscal year for the school's
5 employees, which shall be reported to the State Board of
6 Education by the Teachers' Retirement System of the State
7 of Illinois;

8 (H) for a school district organized under Article 34 of
9 this Code only, State contributions to the Public School
10 Teachers' Pension and Retirement Fund of Chicago and State
11 contributions for health care for employees of that school
12 district;

13 (I) a school district's Final Percent of Adequacy, as
14 defined in paragraph (4) of subsection (f) of Section
15 18-8.15 of this Code;

16 (J) a school district's Local Capacity Target, as
17 defined in paragraph (2) of subsection (c) of Section
18 18-8.15 of this Code, displayed as a percentage amount;

19 (K) a school district's Real Receipts, as defined in
20 paragraph (1) of subsection (d) of Section 18-8.15 of this
21 Code, divided by a school district's Adequacy Target, as
22 defined in paragraph (1) of subsection (b) of Section
23 18-8.15 of this Code, displayed as a percentage amount; ~~and~~

24 (L) a school district's administrative costs; ~~and~~

25 (M) ~~(I)~~ whether or not the school has participated in
26 the Illinois Youth Survey. In this paragraph (M) ~~(I)~~,

1 "Illinois Youth Survey" means a self-report survey,
2 administered in school settings every 2 years, designed to
3 gather information about health and social indicators,
4 including substance abuse patterns and the attitudes of
5 students in grades 8, 10, and 12; and -

6 (N) the number of allegations of sexual assault or
7 sexual abuse by a licensed educator or any other school
8 district employee or volunteer reported at a school and any
9 pertinent information related to an allegation.

10 The school report card shall also provide information that
11 allows for comparing the current outcome, progress, and
12 environment data to the State average, to the school data from
13 the past 5 years, and to the outcomes, progress, and
14 environment of similar schools based on the type of school and
15 enrollment of low-income students, special education students,
16 and English learners.

17 As used in this subsection (2):

18 "Administrative costs" means costs associated with
19 executive, administrative, or managerial functions within the
20 school district that involve planning, organizing, managing,
21 or directing the school district.

22 "Advanced academic program" means a course of study to
23 which students are assigned based on advanced cognitive ability
24 or advanced academic achievement compared to local age peers
25 and in which the curriculum is substantially differentiated
26 from the general curriculum to provide appropriate challenge

1 and pace.

2 "Gifted education" means educational services, including
3 differentiated curricula and instructional methods, designed
4 to meet the needs of gifted children as defined in Article 14A
5 of this Code.

6 For the purposes of paragraph (A) of this subsection (2),
7 "average daily attendance" means the average of the actual
8 number of attendance days during the previous school year for
9 any enrolled student who is subject to compulsory attendance by
10 Section 26-1 of this Code at each school and charter school.

11 (3) At the discretion of the State Superintendent, the
12 school district report card shall include a subset of the
13 information identified in paragraphs (A) through (E) of
14 subsection (2) of this Section, as well as information relating
15 to the operating expense per pupil and other finances of the
16 school district, and the State report card shall include a
17 subset of the information identified in paragraphs (A) through
18 (E) of subsection (2) of this Section. The school district
19 report card shall include the average daily attendance, as that
20 term is defined in subsection (2) of this Section, of students
21 who have individualized education programs and students who
22 have 504 plans that provide for special education services
23 within the school district.

24 (4) Notwithstanding anything to the contrary in this
25 Section, in consultation with key education stakeholders, the
26 State Superintendent shall at any time have the discretion to

1 amend or update any and all metrics on the school, district, or
2 State report card.

3 (5) Annually, no more than 30 calendar days after receipt
4 of the school district and school report cards from the State
5 Superintendent of Education, each school district, including
6 special charter districts and districts subject to the
7 provisions of Article 34, shall present such report cards at a
8 regular school board meeting subject to applicable notice
9 requirements, post the report cards on the school district's
10 Internet web site, if the district maintains an Internet web
11 site, make the report cards available to a newspaper of general
12 circulation serving the district, and, upon request, send the
13 report cards home to a parent (unless the district does not
14 maintain an Internet web site, in which case the report card
15 shall be sent home to parents without request). If the district
16 posts the report card on its Internet web site, the district
17 shall send a written notice home to parents stating (i) that
18 the report card is available on the web site, (ii) the address
19 of the web site, (iii) that a printed copy of the report card
20 will be sent to parents upon request, and (iv) the telephone
21 number that parents may call to request a printed copy of the
22 report card.

23 (6) Nothing contained in Public Act 98-648 repeals,
24 supersedes, invalidates, or nullifies final decisions in
25 lawsuits pending on July 1, 2014 (the effective date of Public
26 Act 98-648) in Illinois courts involving the interpretation of

1 Public Act 97-8.

2 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;
3 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.
4 1-1-18; 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; 100-807,
5 eff. 8-10-18; 100-863, eff. 8-14-18; 100-1121, eff. 1-1-19;
6 revised 12-19-18.)

7 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

8 Sec. 10-21.9. Criminal history records checks and checks of
9 the Statewide Sex Offender Database and Statewide Murderer and
10 Violent Offender Against Youth Database.

11 (a) Certified and noncertified applicants for employment
12 with a school district, except school bus driver applicants,
13 are required as a condition of employment to authorize a
14 fingerprint-based criminal history records check to determine
15 if such applicants have been convicted of any of the enumerated
16 criminal or drug offenses in subsection (c) of this Section or
17 have been convicted, within 7 years of the application for
18 employment with the school district, of any other felony under
19 the laws of this State or of any offense committed or attempted
20 in any other state or against the laws of the United States
21 that, if committed or attempted in this State, would have been
22 punishable as a felony under the laws of this State.
23 Authorization for the check shall be furnished by the applicant
24 to the school district, except that if the applicant is a
25 substitute teacher seeking employment in more than one school

1 district, a teacher seeking concurrent part-time employment
2 positions with more than one school district (as a reading
3 specialist, special education teacher or otherwise), or an
4 educational support personnel employee seeking employment
5 positions with more than one district, any such district may
6 require the applicant to furnish authorization for the check to
7 the regional superintendent of the educational service region
8 in which are located the school districts in which the
9 applicant is seeking employment as a substitute or concurrent
10 part-time teacher or concurrent educational support personnel
11 employee. Upon receipt of this authorization, the school
12 district or the appropriate regional superintendent, as the
13 case may be, shall submit the applicant's name, sex, race, date
14 of birth, social security number, fingerprint images, and other
15 identifiers, as prescribed by the Department of State Police,
16 to the Department. The regional superintendent submitting the
17 requisite information to the Department of State Police shall
18 promptly notify the school districts in which the applicant is
19 seeking employment as a substitute or concurrent part-time
20 teacher or concurrent educational support personnel employee
21 that the check of the applicant has been requested. The
22 Department of State Police and the Federal Bureau of
23 Investigation shall furnish, pursuant to a fingerprint-based
24 criminal history records check, records of convictions,
25 forever and hereinafter, until expunged, to the president of
26 the school board for the school district that requested the

1 check, or to the regional superintendent who requested the
2 check. The Department shall charge the school district or the
3 appropriate regional superintendent a fee for conducting such
4 check, which fee shall be deposited in the State Police
5 Services Fund and shall not exceed the cost of the inquiry; and
6 the applicant shall not be charged a fee for such check by the
7 school district or by the regional superintendent, except that
8 those applicants seeking employment as a substitute teacher
9 with a school district may be charged a fee not to exceed the
10 cost of the inquiry. Subject to appropriations for these
11 purposes, the State Superintendent of Education shall
12 reimburse school districts and regional superintendents for
13 fees paid to obtain criminal history records checks under this
14 Section.

15 (a-5) The school district or regional superintendent shall
16 further perform a check of the Statewide Sex Offender Database,
17 as authorized by the Sex Offender Community Notification Law,
18 for each applicant.

19 (a-6) The school district or regional superintendent shall
20 further perform a check of the Statewide Murderer and Violent
21 Offender Against Youth Database, as authorized by the Murderer
22 and Violent Offender Against Youth Community Notification Law,
23 for each applicant.

24 (b) Any information concerning the record of convictions
25 obtained by the president of the school board or the regional
26 superintendent shall be confidential and may only be

1 transmitted to the superintendent of the school district or his
2 designee, the appropriate regional superintendent if the check
3 was requested by the school district, the presidents of the
4 appropriate school boards if the check was requested from the
5 Department of State Police by the regional superintendent, the
6 State Superintendent of Education, the State Teacher
7 Certification Board, any other person necessary to the decision
8 of hiring the applicant for employment, or for clarification
9 purposes the Department of State Police or Statewide Sex
10 Offender Database, or both. A copy of the record of convictions
11 obtained from the Department of State Police shall be provided
12 to the applicant for employment. Upon the check of the
13 Statewide Sex Offender Database, the school district or
14 regional superintendent shall notify an applicant as to whether
15 or not the applicant has been identified in the Database as a
16 sex offender. If a check of an applicant for employment as a
17 substitute or concurrent part-time teacher or concurrent
18 educational support personnel employee in more than one school
19 district was requested by the regional superintendent, and the
20 Department of State Police upon a check ascertains that the
21 applicant has not been convicted of any of the enumerated
22 criminal or drug offenses in subsection (c) of this Section or
23 has not been convicted, within 7 years of the application for
24 employment with the school district, of any other felony under
25 the laws of this State or of any offense committed or attempted
26 in any other state or against the laws of the United States

1 that, if committed or attempted in this State, would have been
2 punishable as a felony under the laws of this State and so
3 notifies the regional superintendent and if the regional
4 superintendent upon a check ascertains that the applicant has
5 not been identified in the Sex Offender Database as a sex
6 offender, then the regional superintendent shall issue to the
7 applicant a certificate evidencing that as of the date
8 specified by the Department of State Police the applicant has
9 not been convicted of any of the enumerated criminal or drug
10 offenses in subsection (c) of this Section or has not been
11 convicted, within 7 years of the application for employment
12 with the school district, of any other felony under the laws of
13 this State or of any offense committed or attempted in any
14 other state or against the laws of the United States that, if
15 committed or attempted in this State, would have been
16 punishable as a felony under the laws of this State and
17 evidencing that as of the date that the regional superintendent
18 conducted a check of the Statewide Sex Offender Database, the
19 applicant has not been identified in the Database as a sex
20 offender. The school board of any school district may rely on
21 the certificate issued by any regional superintendent to that
22 substitute teacher, concurrent part-time teacher, or
23 concurrent educational support personnel employee or may
24 initiate its own criminal history records check of the
25 applicant through the Department of State Police and its own
26 check of the Statewide Sex Offender Database as provided in

1 subsection (a). Any unauthorized release of confidential
2 information may be a violation of Section 7 of the Criminal
3 Identification Act.

4 (c) No school board shall knowingly employ a person who has
5 been convicted of any offense that would subject him or her to
6 license suspension or revocation pursuant to Section 21B-80 of
7 this Code. Further, no school board shall knowingly employ a
8 person who has been found to be the perpetrator of sexual or
9 physical abuse of any minor under 18 years of age pursuant to
10 proceedings under Article II of the Juvenile Court Act of 1987.

11 (d) No school board shall knowingly employ a person for
12 whom a criminal history records check and a Statewide Sex
13 Offender Database check has not been initiated.

14 (e) Upon receipt of the record of a conviction of or a
15 finding of child abuse by a holder of any certificate issued
16 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
17 Code, the State Superintendent of Education may initiate
18 certificate suspension and revocation proceedings as
19 authorized by law.

20 (e-5) The superintendent of the employing school board
21 shall, in writing, notify the State Superintendent of Education
22 and the applicable regional superintendent of schools of any
23 certificate holder whom he or she has reasonable cause to
24 believe has committed an intentional act of abuse or neglect
25 with the result of making a child an abused child or a
26 neglected child, as defined in Section 3 of the Abused and

1 Neglected Child Reporting Act, and that act resulted in the
2 certificate holder's dismissal or resignation from the school
3 district. This notification must be submitted within 30 days
4 after the dismissal or resignation. The certificate holder must
5 also be contemporaneously sent a copy of the notice by the
6 superintendent. All correspondence, documentation, and other
7 information so received by the regional superintendent of
8 schools, the State Superintendent of Education, the State Board
9 of Education, or the State Teacher Certification Board under
10 this subsection (e-5) is confidential and must not be disclosed
11 to third parties, except (i) as necessary for the State
12 Superintendent of Education or his or her designee to
13 investigate and prosecute pursuant to Article 21 of this Code,
14 (ii) pursuant to a court order, (iii) for disclosure to the
15 certificate holder or his or her representative, or (iv) as
16 otherwise provided in this Article and provided that any such
17 information admitted into evidence in a hearing is exempt from
18 this confidentiality and non-disclosure requirement. Except
19 for an act of willful or wanton misconduct, any superintendent
20 who provides notification as required in this subsection (e-5)
21 shall have immunity from any liability, whether civil or
22 criminal or that otherwise might result by reason of such
23 action.

24 (f) After January 1, 1990 the provisions of this Section
25 shall apply to all employees of persons or firms holding
26 contracts with any school district including, but not limited

1 to, food service workers, school bus drivers and other
2 transportation employees, who have direct, daily contact with
3 the pupils of any school in such district. For purposes of
4 criminal history records checks and checks of the Statewide Sex
5 Offender Database on employees of persons or firms holding
6 contracts with more than one school district and assigned to
7 more than one school district, the regional superintendent of
8 the educational service region in which the contracting school
9 districts are located may, at the request of any such school
10 district, be responsible for receiving the authorization for a
11 criminal history records check prepared by each such employee
12 and submitting the same to the Department of State Police and
13 for conducting a check of the Statewide Sex Offender Database
14 for each employee. Any information concerning the record of
15 conviction and identification as a sex offender of any such
16 employee obtained by the regional superintendent shall be
17 promptly reported to the president of the appropriate school
18 board or school boards.

19 (f-5) Upon request of a school or school district, any
20 information obtained by a school district pursuant to
21 subsection (f) of this Section within the last year must be
22 made available to the requesting school or school district.

23 (g) Prior to the commencement of any student teaching
24 experience or required internship (which is referred to as
25 student teaching in this Section) in the public schools, a
26 student teacher is required to authorize a fingerprint-based

1 criminal history records check. Authorization for and payment
2 of the costs of the check must be furnished by the student
3 teacher to the school district where the student teaching is to
4 be completed. Upon receipt of this authorization and payment,
5 the school district shall submit the student teacher's name,
6 sex, race, date of birth, social security number, fingerprint
7 images, and other identifiers, as prescribed by the Department
8 of State Police, to the Department of State Police. The
9 Department of State Police and the Federal Bureau of
10 Investigation shall furnish, pursuant to a fingerprint-based
11 criminal history records check, records of convictions,
12 forever and hereinafter, until expunged, to the president of
13 the school board for the school district that requested the
14 check. The Department shall charge the school district a fee
15 for conducting the check, which fee must not exceed the cost of
16 the inquiry and must be deposited into the State Police
17 Services Fund. The school district shall further perform a
18 check of the Statewide Sex Offender Database, as authorized by
19 the Sex Offender Community Notification Law, and of the
20 Statewide Murderer and Violent Offender Against Youth
21 Database, as authorized by the Murderer and Violent Offender
22 Against Youth Registration Act, for each student teacher. No
23 school board may knowingly allow a person to student teach for
24 whom a criminal history records check, a Statewide Sex Offender
25 Database check, and a Statewide Murderer and Violent Offender
26 Against Youth Database check have not been completed and

1 reviewed by the district.

2 A copy of the record of convictions obtained from the
3 Department of State Police must be provided to the student
4 teacher. Any information concerning the record of convictions
5 obtained by the president of the school board is confidential
6 and may only be transmitted to the superintendent of the school
7 district or his or her designee, the State Superintendent of
8 Education, the State Educator Preparation and Licensure Board,
9 or, for clarification purposes, the Department of State Police
10 or the Statewide Sex Offender Database or Statewide Murderer
11 and Violent Offender Against Youth Database. Any unauthorized
12 release of confidential information may be a violation of
13 Section 7 of the Criminal Identification Act.

14 No school board may knowingly allow a person to student
15 teach who has been convicted of any offense that would subject
16 him or her to license suspension or revocation pursuant to
17 Section 21B-80 of this Code or who has been found to be the
18 perpetrator of sexual or physical abuse of a minor under 18
19 years of age pursuant to proceedings under Article II of the
20 Juvenile Court Act of 1987.

21 (h) (Blank).

22 (i) If an employee of a school district or a regional
23 office of education fails to perform a criminal history records
24 check or a check of the Statewide Sex Offender Database or
25 Statewide Murderer and Violent Offender Against Youth Database
26 under this Section for an applicant seeking employment with the

1 school district or ignores the results of any of those checks,
2 he or she must be suspended from employment.

3 (Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

4 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

5 Sec. 34-18.5. Criminal history records checks and checks of
6 the Statewide Sex Offender Database and Statewide Murderer and
7 Violent Offender Against Youth Database.

8 (a) Certified and noncertified applicants for employment
9 with the school district are required as a condition of
10 employment to authorize a fingerprint-based criminal history
11 records check to determine if such applicants have been
12 convicted of any of the enumerated criminal or drug offenses in
13 subsection (c) of this Section or have been convicted, within 7
14 years of the application for employment with the school
15 district, of any other felony under the laws of this State or
16 of any offense committed or attempted in any other state or
17 against the laws of the United States that, if committed or
18 attempted in this State, would have been punishable as a felony
19 under the laws of this State. Authorization for the check shall
20 be furnished by the applicant to the school district, except
21 that if the applicant is a substitute teacher seeking
22 employment in more than one school district, or a teacher
23 seeking concurrent part-time employment positions with more
24 than one school district (as a reading specialist, special
25 education teacher or otherwise), or an educational support

1 personnel employee seeking employment positions with more than
2 one district, any such district may require the applicant to
3 furnish authorization for the check to the regional
4 superintendent of the educational service region in which are
5 located the school districts in which the applicant is seeking
6 employment as a substitute or concurrent part-time teacher or
7 concurrent educational support personnel employee. Upon
8 receipt of this authorization, the school district or the
9 appropriate regional superintendent, as the case may be, shall
10 submit the applicant's name, sex, race, date of birth, social
11 security number, fingerprint images, and other identifiers, as
12 prescribed by the Department of State Police, to the
13 Department. The regional superintendent submitting the
14 requisite information to the Department of State Police shall
15 promptly notify the school districts in which the applicant is
16 seeking employment as a substitute or concurrent part-time
17 teacher or concurrent educational support personnel employee
18 that the check of the applicant has been requested. The
19 Department of State Police and the Federal Bureau of
20 Investigation shall furnish, pursuant to a fingerprint-based
21 criminal history records check, records of convictions,
22 forever and hereinafter, until expunged, to the president of
23 the school board for the school district that requested the
24 check, or to the regional superintendent who requested the
25 check. The Department shall charge the school district or the
26 appropriate regional superintendent a fee for conducting such

1 check, which fee shall be deposited in the State Police
2 Services Fund and shall not exceed the cost of the inquiry; and
3 the applicant shall not be charged a fee for such check by the
4 school district or by the regional superintendent. Subject to
5 appropriations for these purposes, the State Superintendent of
6 Education shall reimburse the school district and regional
7 superintendent for fees paid to obtain criminal history records
8 checks under this Section.

9 (a-5) The school district or regional superintendent shall
10 further perform a check of the Statewide Sex Offender Database,
11 as authorized by the Sex Offender Community Notification Law,
12 for each applicant.

13 (a-6) The school district or regional superintendent shall
14 further perform a check of the Statewide Murderer and Violent
15 Offender Against Youth Database, as authorized by the Murderer
16 and Violent Offender Against Youth Community Notification Law,
17 for each applicant.

18 (b) Any information concerning the record of convictions
19 obtained by the president of the board of education or the
20 regional superintendent shall be confidential and may only be
21 transmitted to the general superintendent of the school
22 district or his designee, the appropriate regional
23 superintendent if the check was requested by the board of
24 education for the school district, the presidents of the
25 appropriate board of education or school boards if the check
26 was requested from the Department of State Police by the

1 regional superintendent, the State Superintendent of
2 Education, the State Teacher Certification Board or any other
3 person necessary to the decision of hiring the applicant for
4 employment. A copy of the record of convictions obtained from
5 the Department of State Police shall be provided to the
6 applicant for employment. Upon the check of the Statewide Sex
7 Offender Database, the school district or regional
8 superintendent shall notify an applicant as to whether or not
9 the applicant has been identified in the Database as a sex
10 offender. If a check of an applicant for employment as a
11 substitute or concurrent part-time teacher or concurrent
12 educational support personnel employee in more than one school
13 district was requested by the regional superintendent, and the
14 Department of State Police upon a check ascertains that the
15 applicant has not been convicted of any of the enumerated
16 criminal or drug offenses in subsection (c) of this Section or
17 has not been convicted, within 7 years of the application for
18 employment with the school district, of any other felony under
19 the laws of this State or of any offense committed or attempted
20 in any other state or against the laws of the United States
21 that, if committed or attempted in this State, would have been
22 punishable as a felony under the laws of this State and so
23 notifies the regional superintendent and if the regional
24 superintendent upon a check ascertains that the applicant has
25 not been identified in the Sex Offender Database as a sex
26 offender, then the regional superintendent shall issue to the

1 applicant a certificate evidencing that as of the date
2 specified by the Department of State Police the applicant has
3 not been convicted of any of the enumerated criminal or drug
4 offenses in subsection (c) of this Section or has not been
5 convicted, within 7 years of the application for employment
6 with the school district, of any other felony under the laws of
7 this State or of any offense committed or attempted in any
8 other state or against the laws of the United States that, if
9 committed or attempted in this State, would have been
10 punishable as a felony under the laws of this State and
11 evidencing that as of the date that the regional superintendent
12 conducted a check of the Statewide Sex Offender Database, the
13 applicant has not been identified in the Database as a sex
14 offender. The school board of any school district may rely on
15 the certificate issued by any regional superintendent to that
16 substitute teacher, concurrent part-time teacher, or
17 concurrent educational support personnel employee or may
18 initiate its own criminal history records check of the
19 applicant through the Department of State Police and its own
20 check of the Statewide Sex Offender Database as provided in
21 subsection (a). Any unauthorized release of confidential
22 information may be a violation of Section 7 of the Criminal
23 Identification Act.

24 (c) The board of education shall not knowingly employ a
25 person who has been convicted of any offense that would subject
26 him or her to license suspension or revocation pursuant to

1 Section 21B-80 of this Code. Further, the board of education
2 shall not knowingly employ a person who has been found to be
3 the perpetrator of sexual or physical abuse of any minor under
4 18 years of age pursuant to proceedings under Article II of the
5 Juvenile Court Act of 1987.

6 (d) The board of education shall not knowingly employ a
7 person for whom a criminal history records check and a
8 Statewide Sex Offender Database check has not been initiated.

9 (e) Upon receipt of the record of a conviction of or a
10 finding of child abuse by a holder of any certificate issued
11 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
12 Code, the State Superintendent of Education may initiate
13 certificate suspension and revocation proceedings as
14 authorized by law.

15 (e-5) The general superintendent of schools shall, in
16 writing, notify the State Superintendent of Education of any
17 certificate holder whom he or she has reasonable cause to
18 believe has committed an intentional act of abuse or neglect
19 with the result of making a child an abused child or a
20 neglected child, as defined in Section 3 of the Abused and
21 Neglected Child Reporting Act, and that act resulted in the
22 certificate holder's dismissal or resignation from the school
23 district. This notification must be submitted within 30 days
24 after the dismissal or resignation. The certificate holder must
25 also be contemporaneously sent a copy of the notice by the
26 superintendent. All correspondence, documentation, and other

1 information so received by the State Superintendent of
2 Education, the State Board of Education, or the State Teacher
3 Certification Board under this subsection (e-5) is
4 confidential and must not be disclosed to third parties, except
5 (i) as necessary for the State Superintendent of Education or
6 his or her designee to investigate and prosecute pursuant to
7 Article 21 of this Code, (ii) pursuant to a court order, (iii)
8 for disclosure to the certificate holder or his or her
9 representative, or (iv) as otherwise provided in this Article
10 and provided that any such information admitted into evidence
11 in a hearing is exempt from this confidentiality and
12 non-disclosure requirement. Except for an act of willful or
13 wanton misconduct, any superintendent who provides
14 notification as required in this subsection (e-5) shall have
15 immunity from any liability, whether civil or criminal or that
16 otherwise might result by reason of such action.

17 (f) After March 19, 1990, the provisions of this Section
18 shall apply to all employees of persons or firms holding
19 contracts with any school district including, but not limited
20 to, food service workers, school bus drivers and other
21 transportation employees, who have direct, daily contact with
22 the pupils of any school in such district. For purposes of
23 criminal history records checks and checks of the Statewide Sex
24 Offender Database on employees of persons or firms holding
25 contracts with more than one school district and assigned to
26 more than one school district, the regional superintendent of

1 the educational service region in which the contracting school
2 districts are located may, at the request of any such school
3 district, be responsible for receiving the authorization for a
4 criminal history records check prepared by each such employee
5 and submitting the same to the Department of State Police and
6 for conducting a check of the Statewide Sex Offender Database
7 for each employee. Any information concerning the record of
8 conviction and identification as a sex offender of any such
9 employee obtained by the regional superintendent shall be
10 promptly reported to the president of the appropriate school
11 board or school boards.

12 (f-5) Upon request of a school or school district, any
13 information obtained by the school district pursuant to
14 subsection (f) of this Section within the last year must be
15 made available to the requesting school or school district.

16 (g) Prior to the commencement of any student teaching
17 experience or required internship (which is referred to as
18 student teaching in this Section) in the public schools, a
19 student teacher is required to authorize a fingerprint-based
20 criminal history records check. Authorization for and payment
21 of the costs of the check must be furnished by the student
22 teacher to the school district. Upon receipt of this
23 authorization and payment, the school district shall submit the
24 student teacher's name, sex, race, date of birth, social
25 security number, fingerprint images, and other identifiers, as
26 prescribed by the Department of State Police, to the Department

1 of State Police. The Department of State Police and the Federal
2 Bureau of Investigation shall furnish, pursuant to a
3 fingerprint-based criminal history records check, records of
4 convictions, forever and hereinafter, until expunged, to the
5 president of the board. The Department shall charge the school
6 district a fee for conducting the check, which fee must not
7 exceed the cost of the inquiry and must be deposited into the
8 State Police Services Fund. The school district shall further
9 perform a check of the Statewide Sex Offender Database, as
10 authorized by the Sex Offender Community Notification Law, and
11 of the Statewide Murderer and Violent Offender Against Youth
12 Database, as authorized by the Murderer and Violent Offender
13 Against Youth Registration Act, for each student teacher. The
14 board may not knowingly allow a person to student teach for
15 whom a criminal history records check, a Statewide Sex Offender
16 Database check, and a Statewide Murderer and Violent Offender
17 Against Youth Database check have not been completed and
18 reviewed by the district.

19 A copy of the record of convictions obtained from the
20 Department of State Police must be provided to the student
21 teacher. Any information concerning the record of convictions
22 obtained by the president of the board is confidential and may
23 only be transmitted to the general superintendent of schools or
24 his or her designee, the State Superintendent of Education, the
25 State Educator Preparation and Licensure Board, or, for
26 clarification purposes, the Department of State Police or the

1 Statewide Sex Offender Database or Statewide Murderer and
2 Violent Offender Against Youth Database. Any unauthorized
3 release of confidential information may be a violation of
4 Section 7 of the Criminal Identification Act.

5 The board may not knowingly allow a person to student teach
6 who has been convicted of any offense that would subject him or
7 her to license suspension or revocation pursuant to Section
8 21B-80 of this Code or who has been found to be the perpetrator
9 of sexual or physical abuse of a minor under 18 years of age
10 pursuant to proceedings under Article II of the Juvenile Court
11 Act of 1987.

12 (h) (Blank).

13 (i) If an employee of the school district or the regional
14 office of education fails to perform a criminal history records
15 check or a check of the Statewide Sex Offender Database or
16 Statewide Murderer and Violent Offender Against Youth Database
17 under this Section for an applicant seeking employment with the
18 school district or ignores the results of any of those checks,
19 he or she must be suspended from employment.

20 (Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

21 Section 10. The Abused and Neglected Child Reporting Act is
22 amended by changing Section 4 as follows:

23 (325 ILCS 5/4)

24 Sec. 4. Persons required to report; privileged

1 communications; transmitting false report. Any physician,
2 resident, intern, hospital, hospital administrator and
3 personnel engaged in examination, care and treatment of
4 persons, surgeon, dentist, dentist hygienist, osteopath,
5 chiropractor, podiatric physician, physician assistant,
6 substance abuse treatment personnel, funeral home director or
7 employee, coroner, medical examiner, emergency medical
8 technician, acupuncturist, crisis line or hotline personnel,
9 school personnel (including administrators and both certified
10 and non-certified school employees), personnel of institutions
11 of higher education, educational advocate assigned to a child
12 pursuant to the School Code, member of a school board or the
13 Chicago Board of Education or the governing body of a private
14 school (but only to the extent required in accordance with
15 other provisions of this Section expressly concerning the duty
16 of school board members to report suspected child abuse),
17 truant officers, social worker, social services administrator,
18 domestic violence program personnel, registered nurse,
19 licensed practical nurse, genetic counselor, respiratory care
20 practitioner, advanced practice registered nurse, home health
21 aide, director or staff assistant of a nursery school or a
22 child day care center, recreational or athletic program or
23 facility personnel, early intervention provider as defined in
24 the Early Intervention Services System Act, law enforcement
25 officer, licensed professional counselor, licensed clinical
26 professional counselor, registered psychologist and assistants

1 working under the direct supervision of a psychologist,
2 psychiatrist, or field personnel of the Department of
3 Healthcare and Family Services, Juvenile Justice, Public
4 Health, Human Services (acting as successor to the Department
5 of Mental Health and Developmental Disabilities,
6 Rehabilitation Services, or Public Aid), Corrections, Human
7 Rights, or Children and Family Services, supervisor and
8 administrator of general assistance under the Illinois Public
9 Aid Code, probation officer, animal control officer or Illinois
10 Department of Agriculture Bureau of Animal Health and Welfare
11 field investigator, or any other foster parent, homemaker or
12 child care worker having reasonable cause to believe a child
13 known to them in their professional or official capacity may be
14 an abused child or a neglected child shall immediately report
15 or cause a report to be made to the Department.

16 Any member of the clergy having reasonable cause to believe
17 that a child known to that member of the clergy in his or her
18 professional capacity may be an abused child as defined in item
19 (c) of the definition of "abused child" in Section 3 of this
20 Act shall immediately report or cause a report to be made to
21 the Department.

22 Any physician, physician's assistant, registered nurse,
23 licensed practical nurse, medical technician, certified
24 nursing assistant, social worker, or licensed professional
25 counselor of any office, clinic, or any other physical location
26 that provides abortions, abortion referrals, or contraceptives

1 having reasonable cause to believe a child known to him or her
2 in his or her professional or official capacity may be an
3 abused child or a neglected child shall immediately report or
4 cause a report to be made to the Department.

5 If an allegation is raised to a school board member during
6 the course of an open or closed school board meeting that a
7 child who is enrolled in the school district of which he or she
8 is a board member is an abused child as defined in Section 3 of
9 this Act, the member shall direct or cause the school board to
10 direct the superintendent of the school district or other
11 equivalent school administrator to comply with the
12 requirements of this Act concerning the reporting of child
13 abuse. For purposes of this paragraph, a school board member is
14 granted the authority in his or her individual capacity to
15 direct the superintendent of the school district or other
16 equivalent school administrator to comply with the
17 requirements of this Act concerning the reporting of child
18 abuse.

19 Notwithstanding any other provision of this Act, if an
20 employee of a school district has made a report or caused a
21 report to be made to the Department under this Act involving
22 the conduct of a current or former employee of the school
23 district and a request is made by another school district for
24 the provision of information concerning the job performance or
25 qualifications of the current or former employee because he or
26 she is an applicant for employment with the requesting school

1 district, the general superintendent of the school district to
2 which the request is being made must disclose to the requesting
3 school district the fact that an employee of the school
4 district has made a report involving the conduct of the
5 applicant or caused a report to be made to the Department, as
6 required under this Act. Only the fact that an employee of the
7 school district has made a report involving the conduct of the
8 applicant or caused a report to be made to the Department may
9 be disclosed by the general superintendent of the school
10 district to which the request for information concerning the
11 applicant is made, and this fact may be disclosed only in cases
12 where the employee and the general superintendent have not been
13 informed by the Department that the allegations were unfounded.
14 An employee of a school district who is or has been the subject
15 of a report made pursuant to this Act during his or her
16 employment with the school district must be informed by that
17 school district that if he or she applies for employment with
18 another school district, the general superintendent of the
19 former school district, upon the request of the school district
20 to which the employee applies, shall notify that requesting
21 school district that the employee is or was the subject of such
22 a report.

23 Whenever such person is required to report under this Act
24 in his capacity as a member of the staff of a medical or other
25 public or private institution, school, facility or agency, or
26 as a member of the clergy, he shall make report immediately to

1 the Department in accordance with the provisions of this Act
2 and may also notify the person in charge of such institution,
3 school, facility or agency, or church, synagogue, temple,
4 mosque, or other religious institution, or his designated agent
5 that such report has been made. Under no circumstances shall
6 any person in charge of such institution, school, facility or
7 agency, or church, synagogue, temple, mosque, or other
8 religious institution, or his designated agent to whom such
9 notification has been made, exercise any control, restraint,
10 modification or other change in the report or the forwarding of
11 such report to the Department.

12 The privileged quality of communication between any
13 professional person required to report and his patient or
14 client shall not apply to situations involving abused or
15 neglected children and shall not constitute grounds for failure
16 to report as required by this Act or constitute grounds for
17 failure to share information or documents with the Department
18 during the course of a child abuse or neglect investigation. If
19 requested by the professional, the Department shall confirm in
20 writing that the information or documents disclosed by the
21 professional were gathered in the course of a child abuse or
22 neglect investigation.

23 The reporting requirements of this Act shall not apply to
24 the contents of a privileged communication between an attorney
25 and his or her client or to confidential information within the
26 meaning of Rule 1.6 of the Illinois Rules of Professional

1 Conduct relating to the legal representation of an individual
2 client.

3 A member of the clergy may claim the privilege under
4 Section 8-803 of the Code of Civil Procedure.

5 Any office, clinic, or any other physical location that
6 provides abortions, abortion referrals, or contraceptives
7 shall provide to all office personnel copies of written
8 information and training materials about abuse and neglect and
9 the requirements of this Act that are provided to employees of
10 the office, clinic, or physical location who are required to
11 make reports to the Department under this Act, and instruct
12 such office personnel to bring to the attention of an employee
13 of the office, clinic, or physical location who is required to
14 make reports to the Department under this Act any reasonable
15 suspicion that a child known to him or her in his or her
16 professional or official capacity may be an abused child or a
17 neglected child. In addition to the above persons required to
18 report suspected cases of abused or neglected children, any
19 other person may make a report if such person has reasonable
20 cause to believe a child may be an abused child or a neglected
21 child.

22 Any person who enters into employment on and after July 1,
23 1986 and is mandated by virtue of that employment to report
24 under this Act, shall sign a statement on a form prescribed by
25 the Department, to the effect that the employee has knowledge
26 and understanding of the reporting requirements of this Act. On

1 and after January 1, 2019, the statement shall also include
2 information about available mandated reporter training
3 provided by the Department. The statement shall be signed prior
4 to commencement of the employment. The signed statement shall
5 be retained by the employer. The cost of printing,
6 distribution, and filing of the statement shall be borne by the
7 employer.

8 Within one year of initial employment and at least every 5
9 years thereafter, school personnel required to report child
10 abuse as provided under this Section must complete mandated
11 reporter training by a provider or agency with expertise in
12 recognizing and reporting child abuse.

13 The Department shall provide copies of this Act, upon
14 request, to all employers employing persons who shall be
15 required under the provisions of this Section to report under
16 this Act.

17 Any person who knowingly transmits a false report to the
18 Department commits the offense of disorderly conduct under
19 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
20 A violation of this provision is a Class 4 felony.

21 Any person who knowingly and willfully violates any
22 provision of this Section other than a second or subsequent
23 violation of transmitting a false report as described in the
24 preceding paragraph, is guilty of a Class 4 felony ~~A~~
25 ~~misdemeanor~~ for a first violation and a Class 3 4 felony for a
26 second or subsequent violation; except that if the person acted

1 as part of a plan or scheme having as its object the prevention
2 of discovery of an abused or neglected child by lawful
3 authorities for the purpose of protecting or insulating any
4 person or entity from arrest or prosecution, the person is
5 guilty of a Class 3 ~~4~~ felony for a first offense and a Class 2 ~~3~~
6 felony for a second or subsequent offense (regardless of
7 whether the second or subsequent offense involves any of the
8 same facts or persons as the first or other prior offense).

9 A child whose parent, guardian or custodian in good faith
10 selects and depends upon spiritual means through prayer alone
11 for the treatment or cure of disease or remedial care may be
12 considered neglected or abused, but not for the sole reason
13 that his parent, guardian or custodian accepts and practices
14 such beliefs.

15 A child shall not be considered neglected or abused solely
16 because the child is not attending school in accordance with
17 the requirements of Article 26 of the School Code, as amended.

18 Nothing in this Act prohibits a mandated reporter who
19 reasonably believes that an animal is being abused or neglected
20 in violation of the Humane Care for Animals Act from reporting
21 animal abuse or neglect to the Department of Agriculture's
22 Bureau of Animal Health and Welfare.

23 A home rule unit may not regulate the reporting of child
24 abuse or neglect in a manner inconsistent with the provisions
25 of this Section. This Section is a limitation under subsection
26 (i) of Section 6 of Article VII of the Illinois Constitution on

1 the concurrent exercise by home rule units of powers and
2 functions exercised by the State.

3 For purposes of this Section "child abuse or neglect"
4 includes abuse or neglect of an adult resident as defined in
5 this Act.

6 (Source: P.A. 100-513, eff. 1-1-18; 100-1071, eff. 1-1-19.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3 105 ILCS 5/2-3.176 new

4 105 ILCS 5/10-17a from Ch. 122, par. 10-17a

5 105 ILCS 5/10-21.9 from Ch. 122, par. 10-21.9

6 105 ILCS 5/34-18.5 from Ch. 122, par. 34-18.5

7 325 ILCS 5/4