



Rep. Fred Crespo

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1 AMENDMENT TO SENATE BILL 456

2 AMENDMENT NO. _____. Amend Senate Bill 456, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Sections
6 10-21.9, 10-23.12, 21B-45, 21B-75, 21B-80, 24-12, 24-14,
7 27A-5, 34-18.5, 34-18.6, and 34-85 and by adding Sections
8 10-20.69, 22-85, 22-86, and 34-18.61 as follows:

9 (105 ILCS 5/10-20.69 new)

10 Sec. 10-20.69. Sexual abuse investigations at schools.
11 Every 2 years, each school district must review all existing
12 policies and procedures concerning sexual abuse investigations
13 at schools to ensure consistency with Section 22-85.

14 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

15 Sec. 10-21.9. Criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide Murderer and
2 Violent Offender Against Youth Database.

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

1 applicant is seeking employment as a substitute or concurrent
2 part-time teacher or concurrent educational support personnel
3 employee. Upon receipt of this authorization, the school
4 district or the appropriate regional superintendent, as the
5 case may be, shall submit the applicant's name, sex, race, date
6 of birth, social security number, fingerprint images, and other
7 identifiers, as prescribed by the Department of State Police,
8 to the Department. The regional superintendent submitting the
9 requisite information to the Department of State Police shall
10 promptly notify the school districts in which the applicant is
11 seeking employment as a substitute or concurrent part-time
12 teacher or concurrent educational support personnel employee
13 that the check of the applicant has been requested. The
14 Department of State Police and the Federal Bureau of
15 Investigation shall furnish, pursuant to a fingerprint-based
16 criminal history records check, records of convictions,
17 forever and hereinafter, until expunged, to the president of
18 the school board for the school district that requested the
19 check, or to the regional superintendent who requested the
20 check. The Department shall charge the school district or the
21 appropriate regional superintendent a fee for conducting such
22 check, which fee shall be deposited in the State Police
23 Services Fund and shall not exceed the cost of the inquiry; and
24 the applicant shall not be charged a fee for such check by the
25 school district or by the regional superintendent, except that
26 those applicants seeking employment as a substitute teacher

1 with a school district may be charged a fee not to exceed the
2 cost of the inquiry. Subject to appropriations for these
3 purposes, the State Superintendent of Education shall
4 reimburse school districts and regional superintendents for
5 fees paid to obtain criminal history records checks under this
6 Section.

7 (a-5) The school district or regional superintendent shall
8 further perform a check of the Statewide Sex Offender Database,
9 as authorized by the Sex Offender Community Notification Law,
10 for each applicant. The check of the Statewide Sex Offender
11 Database must be conducted by the school district or regional
12 superintendent once for every 5 years that an applicant remains
13 employed by the school district.

14 (a-6) The school district or regional superintendent shall
15 further perform a check of the Statewide Murderer and Violent
16 Offender Against Youth Database, as authorized by the Murderer
17 and Violent Offender Against Youth Community Notification Law,
18 for each applicant. The check of the Murderer and Violent
19 Offender Against Youth Database must be conducted by the school
20 district or regional superintendent once for every 5 years that
21 an applicant remains employed by the school district.

22 (b) Any information concerning the record of convictions
23 obtained by the president of the school board or the regional
24 superintendent shall be confidential and may only be
25 transmitted to the superintendent of the school district or his
26 designee, the appropriate regional superintendent if the check

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

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

1 information may be a violation of Section 7 of the Criminal
2 Identification Act.

3 (c) No school board shall knowingly employ a person who has
4 been convicted of any offense that would subject him or her to
5 license suspension or revocation pursuant to Section 21B-80 of
6 this Code, except as provided under subsection (b) of Section
7 21B-80. 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 As a condition of employment, each school board must consider
12 the status of a person who has been issued an indicated finding
13 of abuse or neglect of a child by the Department of Children
14 and Family Services under the Abused and Neglected Child
15 Reporting Act or by a child welfare agency of another
16 jurisdiction.

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

20 (e) If permissible by federal or State law, no later than
21 15 business days after receipt of a record of conviction or of
22 checking the Statewide Murderer and Violent Offender Against
23 Youth Database or the Statewide Sex Offender Database and
24 finding a registration, the superintendent of the employing
25 school board or the applicable regional superintendent shall,
26 in writing, notify the State Superintendent of Education of any

1 license holder who has been convicted of a crime set forth in
2 Section 21B-80 of this Code. Upon receipt of the record of a
3 conviction of or a finding of child abuse by a holder of any
4 license ~~certificate~~ issued pursuant to Article 21B ~~21~~ or
5 Section 34-8.1 or 34-83 of the School Code, the State
6 Superintendent of Education may initiate licensure ~~certificate~~
7 suspension and revocation proceedings as authorized by law. If
8 the receipt of the record of conviction or finding of child
9 abuse is received within 6 months after the initial grant of or
10 renewal of a license, the State Superintendent of Education may
11 rescind the license holder's license.

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

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

17 (f) After January 1, 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 a 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 where the student teaching is to
23 be completed. Upon receipt of this authorization and payment,
24 the school district shall submit the student teacher's name,
25 sex, race, date of birth, social security number, fingerprint
26 images, and other identifiers, as prescribed by the Department

1 of State Police, to the Department of State Police. The
2 Department of State Police and the Federal Bureau of
3 Investigation shall furnish, pursuant to a fingerprint-based
4 criminal history records check, records of convictions,
5 forever and hereinafter, until expunged, to the president of
6 the school board for the school district that requested the
7 check. The Department shall charge the school district a fee
8 for conducting the check, which fee must not exceed the cost of
9 the inquiry and must be deposited into the State Police
10 Services Fund. The school district shall further perform a
11 check of the Statewide Sex Offender Database, as authorized by
12 the Sex Offender Community Notification Law, and of the
13 Statewide Murderer and Violent Offender Against Youth
14 Database, as authorized by the Murderer and Violent Offender
15 Against Youth Registration Act, for each student teacher. No
16 school board may knowingly allow a person to student teach for
17 whom a criminal history records check, a Statewide Sex Offender
18 Database check, and a Statewide Murderer and Violent Offender
19 Against Youth Database check have not been completed and
20 reviewed by the district.

21 A copy of the record of convictions obtained from the
22 Department of State Police must be provided to the student
23 teacher. Any information concerning the record of convictions
24 obtained by the president of the school board is confidential
25 and may only be transmitted to the superintendent of the school
26 district or his or her designee, the State Superintendent of

1 Education, the State Educator Preparation and Licensure Board,
2 or, for clarification purposes, the Department of State Police
3 or the Statewide Sex Offender Database or Statewide Murderer
4 and Violent Offender Against Youth Database. Any unauthorized
5 release of confidential information may be a violation of
6 Section 7 of the Criminal Identification Act.

7 No school board shall ~~may~~ knowingly allow a person to
8 student teach who has been convicted of any offense that would
9 subject him or her to license suspension or revocation pursuant
10 to subsection (c) of Section 21B-80 of this Code, except as
11 provided under subsection (b) of Section 21B-80. Further, no
12 school board shall allow a person to student teach if he or she
13 ~~or who~~ has been found to be the perpetrator of sexual or
14 physical abuse of a minor under 18 years of age pursuant to
15 proceedings under Article II of the Juvenile Court Act of 1987.
16 Each school board must consider the status of a person to
17 student teach who has been issued an indicated finding of abuse
18 or neglect of a child by the Department of Children and Family
19 Services under the Abused and Neglected Child Reporting Act or
20 by a child welfare agency of another jurisdiction.

21 (h) (Blank).

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

23 (105 ILCS 5/10-23.12) (from Ch. 122, par. 10-23.12)

24 Sec. 10-23.12. Child abuse and neglect; detection,
25 reporting, and prevention; willful or negligent failure to

1 report.

2 (a) To provide staff development for local school site
3 personnel who work with pupils in grades kindergarten through 8
4 in the detection, reporting, and prevention of child abuse and
5 neglect.

6 (b) The Department of Children and Family Services may, in
7 cooperation with school officials, distribute appropriate
8 materials in school buildings listing the toll-free telephone
9 number established in Section 7.6 of the Abused and Neglected
10 Child Reporting Act, including methods of making a report under
11 Section 7 of the Abused and Neglected Child Reporting Act, to
12 be displayed in a clearly visible location in each school
13 building.

14 (c) Except for an employee licensed under Article 21B of
15 this Code, if a school board determines that any school
16 district employee has willfully or negligently failed to report
17 an instance of suspected child abuse or neglect, as required by
18 the Abused and Neglected Child Reporting Act, then the school
19 board may dismiss that employee immediately upon that
20 determination. For purposes of this subsection (c), negligent
21 failure to report an instance of suspected child abuse or
22 neglect occurs when a school district employee personally
23 observes an instance of suspected child abuse or neglect and
24 reasonably believes, in his or her professional or official
25 capacity, that the instance constitutes an act of child abuse
26 or neglect under the Abused and Neglected Child Reporting Act,

1 and he or she, without willful intent, fails to immediately
2 report or cause a report to be made of the suspected abuse or
3 neglect to the Department of Children and Family Services, as
4 required by the Abused and Neglected Child Reporting Act.

5 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

6 (105 ILCS 5/21B-45)

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

8 (a) Individuals holding a Professional Educator License
9 are required to complete the licensure renewal requirements as
10 specified in this Section, unless otherwise provided in this
11 Code.

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

19 (b) All Professional Educator Licenses not renewed as
20 provided in this Section shall lapse on September 1 of that
21 year. Notwithstanding any other provisions of this Section, if
22 a license holder's electronic mail address is available, the
23 State Board of Education shall send him or her notification
24 electronically that his or her license will lapse if not
25 renewed, to be sent no more than 6 months prior to the license

1 lapsing. Lapsed licenses may be immediately reinstated upon (i)
2 payment by the applicant of a \$500 penalty to the State Board
3 of Education or (ii) the demonstration of proficiency by
4 completing 9 semester hours of coursework from a regionally
5 accredited institution of higher education in the content area
6 that most aligns with one or more of the educator's endorsement
7 areas. Any and all back fees, including without limitation
8 registration fees owed from the time of expiration of the
9 license until the date of reinstatement, shall be paid and kept
10 in accordance with the provisions in Article 3 of this Code
11 concerning an institute fund and the provisions in Article 21B
12 of this Code concerning fees and requirements for registration.
13 Licenses not registered in accordance with Section 21B-40 of
14 this Code shall lapse after a period of 6 months from the
15 expiration of the last year of registration or on January 1 of
16 the fiscal year following initial issuance of the license. An
17 unregistered license is invalid after September 1 for
18 employment and performance of services in an Illinois public or
19 State-operated school or cooperative and in a charter school.
20 Any license or endorsement may be voluntarily surrendered by
21 the license holder. A voluntarily surrendered license, ~~except a~~
22 ~~substitute teaching license issued under Section 21B-20 of this~~
23 ~~Code,~~ shall be treated as a revoked license. An Educator
24 License with Stipulations with only a paraprofessional
25 endorsement does not lapse.

26 (c) From July 1, 2013 through June 30, 2014, in order to

1 satisfy the requirements for licensure renewal provided for in
2 this Section, each professional educator licensee with an
3 administrative endorsement who is working in a position
4 requiring such endorsement shall complete one Illinois
5 Administrators' Academy course, as described in Article 2 of
6 this Code, per fiscal year.

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

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

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

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

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

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

6 (5) higher education coursework.

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

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

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

1 (3) Any licensee with an administrative endorsement
2 who is working in a position requiring such endorsement or
3 an individual with a Teacher Leader endorsement serving in
4 an administrative capacity at least 50% of the day shall
5 complete one Illinois Administrators' Academy course, as
6 described in Article 2 of this Code, each fiscal year in
7 addition to 100 hours of professional development per
8 5-year renewal cycle in accordance with this Code.

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

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

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

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

24 (7) For any renewal cycle in which professional
25 development hours were required, but not fulfilled, the
26 licensee shall complete any missed hours to total the

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

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

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

1 (10) Individuals who hold exempt licenses prior to
2 December 27, 2013 (the effective date of Public Act 98-610)
3 shall commence the annual renewal process with the first
4 scheduled registration due after December 27, 2013 (the
5 effective date of Public Act 98-610).

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

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

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

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

4 (1) The State Board of Education.

5 (2) Regional offices of education and intermediate
6 service centers.

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

10 (A) school administrators;

11 (B) principals;

12 (C) school business officials;

13 (D) teachers, including special education
14 teachers;

15 (E) school boards;

16 (F) school districts;

17 (G) parents; and

18 (H) school service personnel.

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

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

1 education or special education services.

2 (6) A not-for-profit organization that, as of December
3 31, 2014 (the effective date of Public Act 98-1147), has
4 had or has a grant from or a contract with the State Board
5 of Education to provide professional development services
6 in the area of English Learning to Illinois school
7 districts, teachers, or administrators.

8 (7) State agencies, State boards, and State
9 commissions.

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

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

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

18 (2) improve the learning of students;

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

21 (4) deepen educator's content knowledge;

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

25 (6) prepare educators to appropriately use various
26 types of classroom assessments;

1 (7) use learning strategies appropriate to the
2 intended goals;

3 (8) provide educators with the knowledge and skills to
4 collaborate; or

5 (9) prepare educators to apply research to
6 decision-making.

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

9 (1) align professional development activities to the
10 State-approved national standards for professional
11 learning;

12 (2) meet the professional development criteria for
13 Illinois licensure renewal;

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

18 (4) maintain original documentation for completion of
19 activities;

20 (5) provide license holders with evidence of
21 completion of activities; ~~and~~

22 (6) request an Illinois Educator Identification Number
23 (IEIN) for each educator during each professional
24 development activity; ~~and~~

25 (7) beginning on July 1, 2019, register annually with
26 the State Board of Education prior to offering any

1 professional development opportunities in the current
2 fiscal year.

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

13 (1) (Blank).

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

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

21 (B) educator and student social and emotional
22 growth; or

23 (C) alignment to district or school improvement
24 plans.

25 (3) The State Superintendent of Education shall review
26 the annual data collected by the State Board of Education,

1 regional offices of education, and intermediate service
2 centers in audits to determine if the approved provider has
3 met the criteria and should continue to be an approved
4 provider or if further action should be taken as provided
5 in rules.

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

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

1 Educator License provided for in this Section.

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

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

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

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

24 (B) any evidence submitted to the State
25 Superintendent along with the individual's electronic
26 statement of assurance for renewal; and

1 (C) the State Superintendent's rationale for
2 nonrenewal of the license.

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

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

12 (Source: P.A. 99-58, eff. 7-16-15; 99-130, eff. 7-24-15;
13 99-591, eff. 1-1-17; 99-642, eff. 7-28-16; 99-920, eff. 1-6-17;
14 100-13, eff. 7-1-17; 100-339, eff. 8-25-17; 100-596, eff.
15 7-1-18; 100-863, eff. 8-14-18.)

16 (105 ILCS 5/21B-75)

17 Sec. 21B-75. Suspension or revocation of license.

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

22 (b) The State Superintendent of Education has the exclusive
23 authority, in accordance with this Section and any rules
24 adopted by the State Board of Education, in consultation with
25 the State Educator Preparation and Licensure Board, to initiate

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

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

22 (1) Whether the unsatisfactory evaluation ratings
23 occurred prior to June 13, 2011 (the effective date of
24 Public Act 97-8).

25 (2) Whether the unsatisfactory evaluation ratings
26 occurred prior to or after the implementation date, as

1 defined in Section 24A-2.5 of this Code, of an evaluation
2 system for teachers in a school district.

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

7 (4) The time between the unsatisfactory evaluation
8 ratings.

9 (5) The quality of the remediation plans associated
10 with the unsatisfactory evaluation ratings and whether the
11 license holder successfully completed the remediation
12 plans.

13 (6) Whether the unsatisfactory evaluation ratings were
14 related to the same or different assignments performed by
15 the license holder.

16 (7) Whether one or more of the unsatisfactory
17 evaluation ratings occurred in the first year of a teaching
18 or administrative assignment.

19 When initiating an action against one or more licenses, the
20 State Superintendent may seek required professional
21 development as a sanction in lieu of or in addition to
22 suspension or revocation. Any such required professional
23 development must be at the expense of the license holder, who
24 may use, if available and applicable to the requirements
25 established by administrative or court order, training,
26 coursework, or other professional development funds in

1 accordance with the terms of an applicable collective
2 bargaining agreement entered into after June 13, 2011 (the
3 effective date of Public Act 97-8), unless that agreement
4 specifically precludes use of funds for such purpose.

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

1 a decision. Any hearing shall take place in the educational
2 service region where the educator is or was last employed and
3 in accordance with rules adopted by the State Board of
4 Education, in consultation with the State Educator Preparation
5 and Licensure Board, and such rules shall include without
6 limitation provisions for discovery and the sharing of
7 information between parties prior to the hearing. The standard
8 of proof for any administrative hearing held pursuant to this
9 Section shall be by the preponderance of the evidence. The
10 decision of the State Educator Preparation and Licensure Board
11 is a final administrative decision and is subject to judicial
12 review by appeal of either party.

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

20 The exclusive authority of the State Superintendent of
21 Education to initiate suspension or revocation of a license
22 pursuant to this Section does not preclude a regional
23 superintendent of schools from cooperating with the State
24 Superintendent or a State's Attorney with respect to an
25 investigation of alleged misconduct.

26 (d) The State Superintendent of Education or his or her

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

20 (e) All correspondence, documentation, and other
21 information so received by the regional superintendent of
22 schools, the State Superintendent of Education, the State Board
23 of Education, or the State Educator Preparation and Licensure
24 Board under this Section is confidential and must not be
25 disclosed to third parties, except (i) as necessary for the
26 State Superintendent of Education or his or her designee to

1 investigate and prosecute pursuant to this Article, (ii)
2 pursuant to a court order, (iii) for disclosure to the license
3 holder or his or her representative, or (iv) as otherwise
4 required in this Article and provided that any such information
5 admitted into evidence in a hearing is exempt from this
6 confidentiality and non-disclosure requirement.

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

18 (g) Any circuit court, upon the application of the State
19 Superintendent of Education or the license holder, may, by
20 order duly entered, require the attendance of witnesses and the
21 production of relevant books and papers as part of any
22 investigation or at any hearing the State Educator Preparation
23 and Licensure Board is authorized to conduct pursuant to this
24 Section, and the court may compel obedience to its orders by
25 proceedings for contempt.

26 (h) The State Board of Education shall receive an annual

1 line item appropriation to cover fees associated with the
2 investigation and prosecution of alleged educator misconduct
3 and hearings related thereto.

4 (Source: P.A. 100-872, eff. 8-14-18.)

5 (105 ILCS 5/21B-80)

6 Sec. 21B-80. Conviction of certain offenses as grounds for
7 disqualification for licensure or suspension or revocation of a
8 license.

9 (a) As used in this Section:

10 "Drug offense" means any one or more of the following
11 offenses:

12 (1) Any offense defined in the Cannabis Control Act,
13 except those defined in subdivisions (a), (b), and (c) of
14 Section 4 and subdivisions (a) and (b) of Section 5 of the
15 Cannabis Control Act and any offense for which the holder
16 of a license is placed on probation under the provisions of
17 Section 10 of the Cannabis Control Act, provided that if
18 the terms and conditions of probation required by the court
19 are not fulfilled, the offense is not eligible for this
20 exception.

21 (2) Any offense defined in the Illinois Controlled
22 Substances Act, except any offense for which the holder of
23 a license is placed on probation under the provisions of
24 Section 410 of the Illinois Controlled Substances Act,
25 provided that if the terms and conditions of probation

1 required by the court are not fulfilled, the offense is not
2 eligible for this exception.

3 (3) Any offense defined in the Methamphetamine Control
4 and Community Protection Act, except any offense for which
5 the holder of a license is placed on probation under the
6 provision of Section 70 of that Act, provided that if the
7 terms and conditions of probation required by the court are
8 not fulfilled, the offense is not eligible for this
9 exception.

10 (4) Any attempt to commit any of the offenses listed in
11 items (1) through (3) of this definition.

12 (5) Any offense committed or attempted in any other
13 state or against the laws of the United States that, if
14 committed or attempted in this State, would have been
15 punishable as one or more of the offenses listed in items
16 (1) through (4) of this definition.

17 The changes made by Public Act 96-431 to this definition are
18 declaratory of existing law.

19 "Sentence" includes any period of supervised release
20 ~~supervision~~ or probation that was imposed either alone or in
21 combination with a period of incarceration.

22 "Sex or other offense" means any one or more of the
23 following offenses:

24 (A) Any offense defined in Sections 11-6, 11-9 through
25 11-9.5, inclusive, and 11-30 (if punished as a Class 4
26 felony) of the Criminal Code of 1961 or the Criminal Code

1 of 2012; Sections 11-14.1 through 11-21, inclusive, of the
2 Criminal Code of 1961 or the Criminal Code of 2012;
3 Sections 11-23 (if punished as a Class 3 felony), 11-24,
4 11-25, and 11-26 of the Criminal Code of 1961 or the
5 Criminal Code of 2012; Section 10-5.1, subsection (c) of
6 Section 10-9, and Sections 11-6.6, 11-11, 12-3.05, 12-3.3,
7 12-6.4, 12-7.1, 12-34, 12-34.5, and 12-35 of the Criminal
8 Code of 2012; and Sections 11-1.20, 11-1.30, 11-1.40,
9 11-1.50, 11-1.60, ~~12-4.9~~, 12-13, 12-14, 12-14.1, 12-15,
10 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant
11 to subdivision (4) or (5) of subsection (d) of Section
12 26-4) of the Criminal Code of 1961 or the Criminal Code of
13 2012.

14 (B) Any attempt to commit any of the offenses listed in
15 item (A) of this definition.

16 (C) Any offense committed or attempted in any other
17 state that, if committed or attempted in this State, would
18 have been punishable as one or more of the offenses listed
19 in items (A) and (B) of this definition.

20 (b) Whenever the holder of any license issued pursuant to
21 this Article or applicant for a license to be issued pursuant
22 to this Article has been convicted of any drug offense, other
23 than as provided in subsection (c) of this Section, the State
24 Superintendent of Education shall forthwith suspend the
25 license or deny the application, whichever is applicable, until
26 7 years following the end of the sentence for the criminal

1 offense. If the conviction is reversed and the holder is
2 acquitted of the offense in a new trial or the charges against
3 him or her are dismissed, the State Superintendent of Education
4 shall forthwith terminate the suspension of the license.

5 (b-5) Whenever the holder of a license issued pursuant to
6 this Article or applicant for a license to be issued pursuant
7 to this Article has been charged with attempting to commit,
8 conspiring to commit, soliciting, or committing any sex or
9 other offense, as enumerated under item (A) of subsection (a),
10 first degree murder, or a Class X felony or any offense
11 committed or attempted in any other state or against the laws
12 of the United States that, if committed or attempted in this
13 State, would have been punishable as one or more of the
14 foregoing offenses, the State Superintendent of Education
15 shall immediately suspend the license or deny the application
16 until the person's criminal charges are adjudicated through a
17 court of competent jurisdiction. If the person is acquitted,
18 his or her license or application shall be immediately
19 reinstated.

20 (c) Whenever the holder of a license issued pursuant to
21 this Article or applicant for a license to be issued pursuant
22 to this Article has been convicted of attempting to commit,
23 conspiring to commit, soliciting, or committing any sex or
24 other offense, as enumerated under item (A) of subsection (a),
25 first degree murder, or a Class X felony or any offense
26 committed or attempted in any other state or against the laws

1 of the United States that, if committed or attempted in this
2 State, would have been punishable as one or more of the
3 foregoing offenses, the State Superintendent of Education
4 shall forthwith suspend the license or deny the application,
5 whichever is applicable. If the conviction is reversed and the
6 holder is acquitted of that offense in a new trial or the
7 charges that he or she committed that offense are dismissed,
8 the State Superintendent of Education shall forthwith
9 terminate the suspension of the license. When the conviction
10 becomes final, the State Superintendent of Education shall
11 forthwith revoke the license.

12 (Source: P.A. 99-58, eff. 7-16-15; 99-667, eff. 7-29-16.)

13 (105 ILCS 5/22-85 new)

14 Sec. 22-85. Sexual abuse at schools.

15 (a) The General Assembly finds that:

16 (1) investigation of a child regarding an incident of
17 sexual abuse can induce significant trauma for the child;

18 (2) it is desirable to prevent multiple interviews of a
19 child at a school; and

20 (3) it is important to recognize the role of Children's
21 Advocacy Centers in conducting developmentally appropriate
22 investigations.

23 (b) In this Section:

24 "Alleged incident of sexual abuse" is limited to an
25 incident of sexual abuse of a child that is alleged to have

1 been perpetrated by school personnel, including a school vendor
2 or volunteer, that occurred (i) on school grounds or during a
3 school activity or (ii) outside of school grounds or not during
4 a school activity.

5 "Appropriate law enforcement agency" means a law
6 enforcement agency whose employees have been involved, in some
7 capacity, with an investigation of a particular alleged
8 incident of sexual abuse.

9 (c) If a mandated reporter within a school has knowledge of
10 an alleged incident of sexual abuse, the reporter must call the
11 Department of Children and Family Services' hotline
12 established under Section 7.6 of the Abused and Neglected Child
13 Reporting Act immediately after obtaining the minimal
14 information necessary to make a report, including the names of
15 the affected parties and the allegations. The State Board of
16 Education must make available materials detailing the
17 information that is necessary to enable notification to the
18 Department of Children and Family Services of an alleged
19 incident of sexual abuse. Each school must ensure that mandated
20 reporters review the State Board of Education's materials and
21 materials developed by the Department of Children and Family
22 Services and distributed in the school building under Section 7
23 of the Abused and Neglected Child Reporting Act at least once
24 annually.

25 (d) For schools in a county with an accredited Children's
26 Advocacy Center, every alleged incident of sexual abuse that is

1 reported to the Department of Children and Family Services'
2 hotline or a law enforcement agency and is subsequently
3 accepted for investigation must be referred by the entity that
4 received the report to the local Children's Advocacy Center
5 pursuant to that county's multidisciplinary team's protocol
6 under the Children's Advocacy Center Act for investigating
7 child sexual abuse allegations.

8 (e) A county's local Children's Advocacy Center must, at a
9 minimum, do both of the following regarding a referred case of
10 an alleged incident of sexual abuse:

11 (1) Coordinate the investigation of the alleged
12 incident, as governed by the local Children's Advocacy
13 Center's existing multidisciplinary team protocol and
14 according to National Children's Alliance accreditation
15 standards.

16 (2) Facilitate communication between the
17 multidisciplinary team investigating the alleged incident
18 of sexual abuse and, if applicable, the referring school's
19 (i) Title IX officer, or his or her designee, (ii) school
20 resource officer, or (iii) personnel leading the school's
21 investigation into the alleged incident of sexual abuse. If
22 a school uses a designated entity to investigate a sexual
23 abuse allegation, the multidisciplinary team may
24 correspond only with that entity and any reference in this
25 Section to "school" refers to that designated entity. This
26 facilitation of communication must, at a minimum, ensure

1 that all applicable parties have each other's contact
2 information and must share the county's local Children's
3 Advocacy Center's protocol regarding the process of
4 approving the viewing of a forensic interview, as defined
5 under Section 2.5 of the Children's Advocacy Center Act, by
6 school personnel and a contact person for questions
7 relating to the protocol.

8 (f) After an alleged incident of sexual abuse is accepted
9 for investigation by the Department of Children and Family
10 Services or a law enforcement agency and while the criminal and
11 child abuse investigations related to that alleged incident are
12 being conducted by the local multidisciplinary team, the school
13 relevant to the alleged incident of sexual abuse must comply
14 with both of the following:

15 (1) It may not interview the alleged victim regarding
16 details of the alleged incident of sexual abuse until after
17 the completion of the forensic interview of that victim is
18 conducted at a Children's Advocacy Center. This paragraph
19 does not prohibit a school from requesting information from
20 the alleged victim or his or her parent or guardian to
21 ensure the safety and well-being of the alleged victim at
22 school during an investigation.

23 (2) If asked by a law enforcement agency or an
24 investigator of the Department of Children and Family
25 Services who is conducting the investigation, it must
26 inform those individuals of any evidence the school has

1 gathered pertaining to an alleged incident of sexual abuse,
2 as permissible by federal or State law.

3 (g) After completion of a forensic interview, the
4 multidisciplinary team must notify the school relevant to the
5 alleged incident of sexual abuse of its completion. If, for any
6 reason, a multidisciplinary team determines it will not conduct
7 a forensic interview in a specific investigation, the
8 multidisciplinary team must notify the school as soon as the
9 determination is made. If a forensic interview has not been
10 conducted within 15 calendar days after opening an
11 investigation, the school may notify the multidisciplinary
12 team that it intends to interview the alleged victim. No later
13 than 10 calendar days after this notification, the
14 multidisciplinary team may conduct the forensic interview and,
15 if the multidisciplinary does not conduct the interview, the
16 school may proceed with its interview.

17 (h) To the greatest extent possible considering student
18 safety and Title IX compliance, school personnel may view the
19 electronic recordings of a forensic interview of an alleged
20 victim of an incident of sexual abuse. As a means to avoid
21 additional interviews of an alleged victim, school personnel
22 must be granted viewing access to the electronic recording of a
23 forensic interview conducted at an accredited Children's
24 Advocacy Center for an alleged incident of sexual abuse only if
25 the school receives (i) approval from the multidisciplinary
26 team investigating the case and (ii) informed consent by a

1 child over the age of 13 or the child's parent or guardian.
2 Each county's local Children's Advocacy Center and
3 multidisciplinary team must establish an internal protocol
4 regarding the process of approving the viewing of the forensic
5 interview, and this process and the contact person must be
6 shared with the school contact at the time of the initial
7 facilitation. Whenever possible, the school's viewing of the
8 electronic recording of a forensic interview should be
9 conducted in lieu of the need for additional interviews.

10 (i) For an alleged incident of sexual abuse that has been
11 accepted for investigation by a multidisciplinary team, if,
12 during the course of its internal investigation and at any
13 point during or after the multidisciplinary team's
14 investigation, the school determines that it needs to interview
15 the alleged victim to successfully complete its investigation
16 and the victim is under 18 years of age, a child advocate must
17 be made available to the student and may be present during the
18 school's interview. A child advocate may be a school social
19 worker, a school or equally qualified psychologist, or a person
20 in a position the State Board of Education has identified as an
21 appropriate advocate for the student during a school's
22 investigation into an alleged incident of sexual abuse.

23 (j) The Department of Children and Family Services must
24 notify the relevant school when an agency investigation of an
25 alleged incident of sexual abuse is complete. The notification
26 must include information on the outcome of that investigation.

1 (k) The appropriate law enforcement agency must notify the
2 relevant school when an agency investigation of an alleged
3 incident of sexual abuse is complete or has been suspended. The
4 notification must include information on the outcome of that
5 investigation.

6 (l) This Section applies to all schools operating under
7 this Code, including, but not limited to, public schools
8 located in cities having a population of more than 500,000, a
9 school operated pursuant to an agreement with a public school
10 district, alternative schools operated by third parties, an
11 alternative learning opportunities program, a public school
12 administered by a local public agency or the Department of
13 Human Services, charter schools operating under the authority
14 of Article 27A, and non-public schools recognized by the State
15 Board of Education.

16 (105 ILCS 5/22-86 new)

17 Sec. 22-86. Make Sexual and Severe Physical Abuse Fully
18 Extinct (Make S.A.F.E.) Task Force.

19 (a) The General Assembly finds that the most precious
20 resource in this State is our children. The General Assembly
21 also finds that the protection of children from sexual abuse
22 and exploitation is at the core of the duties and fundamental
23 responsibilities of the General Assembly and is of the utmost
24 importance.

25 (b) The Make Sexual and Severe Physical Abuse Fully Extinct

1 (Make S.A.F.E.) Task Force is created to address issues
2 concerning the sexual abuse of students in school-related
3 settings. The Task Force shall consist of all of the following
4 members, who must be appointed no later than 60 days after the
5 effective date of this amendatory Act of the 101st General
6 Assembly:

7 (1) One representative appointed by the Speaker of the
8 House of Representatives.

9 (2) One representative appointed by the Minority
10 Leader of the House of Representatives.

11 (3) One senator appointed by the President of the
12 Senate.

13 (4) One senator appointed by the Minority Leader of the
14 Senate.

15 (5) One member who represents the Children's Advocacy
16 Centers of Illinois appointed by the State Superintendent
17 of Education.

18 (6) The Executive Director of an urban, accredited
19 Children's Advocacy Center appointed by the State
20 Superintendent of Education.

21 (7) The Executive Director of a suburban, accredited
22 Children's Advocacy Center appointed by the State
23 Superintendent of Education.

24 (8) The Executive Director of a rural, accredited
25 Children's Advocacy Center appointed by the State
26 Superintendent of Education.

1 (9) One representative of the State Board of Education
2 appointed by the State Superintendent of Education.

3 (10) One member representing a State's Attorney's
4 office appointed by the State Superintendent of Education.

5 (11) One member representing a statewide organization
6 that unites the services and resources of rape crisis
7 centers, alleviates the suffering of sexual assault
8 survivors, and helps build communities appointed by the
9 State Superintendent of Education.

10 (12) One member representing the Department of State
11 Police appointed by the State Superintendent of Education.

12 (13) One member representing the Department of
13 Children and Family Services appointed by the State
14 Superintendent of Education.

15 (14) One member representing the Office of the Attorney
16 General appointed by the State Superintendent of
17 Education.

18 (15) One member representing a statewide organization
19 representing suburban school districts appointed by the
20 State Superintendent of Education.

21 (16) One member representing a statewide professional
22 teachers' organization appointed by the State
23 Superintendent of Education.

24 (17) One member representing a different statewide
25 professional teachers' organization appointed by the State
26 Superintendent of Education.

1 (18) One member representing a professional teachers'
2 organization in a city having a population of over 500,000
3 appointed by the State Superintendent of Education.

4 (19) One member representing a school district
5 organized under Article 34 appointed by the State
6 Superintendent of Education.

7 (20) One member representing the investigating body of
8 a school district organized under Article 34 appointed by
9 the State Superintendent of Education.

10 (21) One member representing a statewide organization
11 that represents social workers appointed by the State
12 Superintendent of Education.

13 (22) One member representing a charter schools'
14 organization in this State appointed by the State
15 Superintendent of Education.

16 (23) One member representing a statewide organization
17 that represents principals appointed by the State
18 Superintendent of Education.

19 (24) One member representing a statewide organization
20 that represents superintendents appointed by the State
21 Superintendent of Education.

22 (25) One member representing a statewide organization
23 that represents school boards appointed by the State
24 Superintendent of Education.

25 (c) The Task Force shall first meet at the call of the
26 State Superintendent of Education, and each subsequent meeting

1 shall be at the call of the Chairperson, who shall be
2 designated by the State Superintendent of Education. The State
3 Board of Education shall provide administrative and other
4 support to the Task Force. Members of the Task Force shall
5 serve without compensation.

6 (d) The Task Force shall review the best practices for
7 preventing the sexual abuse of students in a school-related
8 setting or by school-related perpetrators, including school
9 district employees or other students, how to best address that
10 abuse, and the proper support for students who have suffered
11 from that abuse. The review shall examine the best practices at
12 all schools maintaining prekindergarten through grade 12,
13 regardless of whether the school is a public school, nonpublic
14 school, or charter school. On or before September 15, 2020, the
15 Task Force must report the findings of its review to the
16 Governor and the General Assembly, which must, at a minimum,
17 include all of the following topics:

18 (1) The best practices for preventing sexual and severe
19 physical abuse in school-related settings or by
20 school-related perpetrators, including, but not limited
21 to, criminal history records checks for school district
22 employees, the employment status of a school employee
23 accused of sexual abuse of a student, and procedural
24 safeguards for personnel who regularly interact with
25 children as part of school or school activities, even if
26 the personnel are not officially employed by a school

1 district.

2 (2) The best practices for addressing sexual and severe
3 physical abuse in a school-related setting or by
4 school-related perpetrators, including, but not limited
5 to, the nature and amount of forensic interviews and
6 forensic interview information sharing, school cooperation
7 with multidisciplinary teams under the Children's Advocacy
8 Center Act, and model school policies.

9 (3) The best practices for support for students who
10 have suffered sexual or severe physical abuse in a
11 school-related setting or by a school-related perpetrator,
12 including, but not limited to, emotional, psychological,
13 and academic support.

14 (4) Any other topic the Task Force deems necessary to
15 advance the safety or well-being of students in relation to
16 sexual and severe physical abuse stemming from a
17 school-related setting or school-related perpetrator.

18 The Task Force is dissolved upon submission of the report
19 under this subsection.

20 (e) This Section is repealed on March 15, 2021.

21 (105 ILCS 5/24-12) (from Ch. 122, par. 24-12)

22 Sec. 24-12. Removal or dismissal of teachers in contractual
23 continued service.

24 (a) This subsection (a) applies only to honorable
25 dismissals and recalls in which the notice of dismissal is

1 provided on or before the end of the 2010-2011 school term. If
2 a teacher in contractual continued service is removed or
3 dismissed as a result of a decision of the board to decrease
4 the number of teachers employed by the board or to discontinue
5 some particular type of teaching service, written notice shall
6 be mailed to the teacher and also given the teacher either by
7 certified mail, return receipt requested or personal delivery
8 with receipt at least 60 days before the end of the school
9 term, together with a statement of honorable dismissal and the
10 reason therefor, and in all such cases the board shall first
11 remove or dismiss all teachers who have not entered upon
12 contractual continued service before removing or dismissing
13 any teacher who has entered upon contractual continued service
14 and who is legally qualified to hold a position currently held
15 by a teacher who has not entered upon contractual continued
16 service.

17 As between teachers who have entered upon contractual
18 continued service, the teacher or teachers with the shorter
19 length of continuing service with the district shall be
20 dismissed first unless an alternative method of determining the
21 sequence of dismissal is established in a collective bargaining
22 agreement or contract between the board and a professional
23 faculty members' organization and except that this provision
24 shall not impair the operation of any affirmative action
25 program in the district, regardless of whether it exists by
26 operation of law or is conducted on a voluntary basis by the

1 board. Any teacher dismissed as a result of such decrease or
2 discontinuance shall be paid all earned compensation on or
3 before the third business day following the last day of pupil
4 attendance in the regular school term.

5 If the board has any vacancies for the following school
6 term or within one calendar year from the beginning of the
7 following school term, the positions thereby becoming
8 available shall be tendered to the teachers so removed or
9 dismissed so far as they are legally qualified to hold such
10 positions; provided, however, that if the number of honorable
11 dismissal notices based on economic necessity exceeds 15% of
12 the number of full-time ~~full-time~~ equivalent positions filled
13 by certified employees (excluding principals and
14 administrative personnel) during the preceding school year,
15 then if the board has any vacancies for the following school
16 term or within 2 calendar years from the beginning of the
17 following school term, the positions so becoming available
18 shall be tendered to the teachers who were so notified and
19 removed or dismissed whenever they are legally qualified to
20 hold such positions. Each board shall, in consultation with any
21 exclusive employee representatives, each year establish a
22 list, categorized by positions, showing the length of
23 continuing service of each teacher who is qualified to hold any
24 such positions, unless an alternative method of determining a
25 sequence of dismissal is established as provided for in this
26 Section, in which case a list shall be made in accordance with

1 the alternative method. Copies of the list shall be distributed
2 to the exclusive employee representative on or before February
3 1 of each year. Whenever the number of honorable dismissal
4 notices based upon economic necessity exceeds 5, or 150% of the
5 average number of teachers honorably dismissed in the preceding
6 3 years, whichever is more, then the board also shall hold a
7 public hearing on the question of the dismissals. Following the
8 hearing and board review, the action to approve any such
9 reduction shall require a majority vote of the board members.

10 (b) This subsection (b) applies only to honorable
11 dismissals and recalls in which the notice of dismissal is
12 provided during the 2011-2012 school term or a subsequent
13 school term. If any teacher, whether or not in contractual
14 continued service, is removed or dismissed as a result of a
15 decision of a school board to decrease the number of teachers
16 employed by the board, a decision of a school board to
17 discontinue some particular type of teaching service, or a
18 reduction in the number of programs or positions in a special
19 education joint agreement, then written notice must be mailed
20 to the teacher and also given to the teacher either by
21 certified mail, return receipt requested, or personal delivery
22 with receipt at least 45 days before the end of the school
23 term, together with a statement of honorable dismissal and the
24 reason therefor, and in all such cases the sequence of
25 dismissal shall occur in accordance with this subsection (b);
26 except that this subsection (b) shall not impair the operation

1 of any affirmative action program in the school district,
2 regardless of whether it exists by operation of law or is
3 conducted on a voluntary basis by the board.

4 Each teacher must be categorized into one or more positions
5 for which the teacher is qualified to hold, based upon legal
6 qualifications and any other qualifications established in a
7 district or joint agreement job description, on or before the
8 May 10 prior to the school year during which the sequence of
9 dismissal is determined. Within each position and subject to
10 agreements made by the joint committee on honorable dismissals
11 that are authorized by subsection (c) of this Section, the
12 school district or joint agreement must establish 4 groupings
13 of teachers qualified to hold the position as follows:

14 (1) Grouping one shall consist of each teacher who is
15 not in contractual continued service and who (i) has not
16 received a performance evaluation rating, (ii) is employed
17 for one school term or less to replace a teacher on leave,
18 or (iii) is employed on a part-time basis. "Part-time
19 basis" for the purposes of this subsection (b) means a
20 teacher who is employed to teach less than a full-day,
21 teacher workload or less than 5 days of the normal student
22 attendance week, unless otherwise provided for in a
23 collective bargaining agreement between the district and
24 the exclusive representative of the district's teachers.
25 For the purposes of this Section, a teacher (A) who is
26 employed as a full-time teacher but who actually teaches or

1 is otherwise present and participating in the district's
2 educational program for less than a school term or (B) who,
3 in the immediately previous school term, was employed on a
4 full-time basis and actually taught or was otherwise
5 present and participated in the district's educational
6 program for 120 days or more is not considered employed on
7 a part-time basis.

8 (2) Grouping 2 shall consist of each teacher with a
9 Needs Improvement or Unsatisfactory performance evaluation
10 rating on either of the teacher's last 2 performance
11 evaluation ratings.

12 (3) Grouping 3 shall consist of each teacher with a
13 performance evaluation rating of at least Satisfactory or
14 Proficient on both of the teacher's last 2 performance
15 evaluation ratings, if 2 ratings are available, or on the
16 teacher's last performance evaluation rating, if only one
17 rating is available, unless the teacher qualifies for
18 placement into grouping 4.

19 (4) Grouping 4 shall consist of each teacher whose last
20 2 performance evaluation ratings are Excellent and each
21 teacher with 2 Excellent performance evaluation ratings
22 out of the teacher's last 3 performance evaluation ratings
23 with a third rating of Satisfactory or Proficient.

24 Among teachers qualified to hold a position, teachers must
25 be dismissed in the order of their groupings, with teachers in
26 grouping one dismissed first and teachers in grouping 4

1 dismissed last.

2 Within grouping one, the sequence of dismissal must be at
3 the discretion of the school district or joint agreement.
4 Within grouping 2, the sequence of dismissal must be based upon
5 average performance evaluation ratings, with the teacher or
6 teachers with the lowest average performance evaluation rating
7 dismissed first. A teacher's average performance evaluation
8 rating must be calculated using the average of the teacher's
9 last 2 performance evaluation ratings, if 2 ratings are
10 available, or the teacher's last performance evaluation
11 rating, if only one rating is available, using the following
12 numerical values: 4 for Excellent; 3 for Proficient or
13 Satisfactory; 2 for Needs Improvement; and 1 for
14 Unsatisfactory. As between or among teachers in grouping 2 with
15 the same average performance evaluation rating and within each
16 of groupings 3 and 4, the teacher or teachers with the shorter
17 length of continuing service with the school district or joint
18 agreement must be dismissed first unless an alternative method
19 of determining the sequence of dismissal is established in a
20 collective bargaining agreement or contract between the board
21 and a professional faculty members' organization.

22 Each board, including the governing board of a joint
23 agreement, shall, in consultation with any exclusive employee
24 representatives, each year establish a sequence of honorable
25 dismissal list categorized by positions and the groupings
26 defined in this subsection (b). Copies of the list showing each

1 teacher by name and categorized by positions and the groupings
2 defined in this subsection (b) must be distributed to the
3 exclusive bargaining representative at least 75 days before the
4 end of the school term, provided that the school district or
5 joint agreement may, with notice to any exclusive employee
6 representatives, move teachers from grouping one into another
7 grouping during the period of time from 75 days until 45 days
8 before the end of the school term. Each year, each board shall
9 also establish, in consultation with any exclusive employee
10 representatives, a list showing the length of continuing
11 service of each teacher who is qualified to hold any such
12 positions, unless an alternative method of determining a
13 sequence of dismissal is established as provided for in this
14 Section, in which case a list must be made in accordance with
15 the alternative method. Copies of the list must be distributed
16 to the exclusive employee representative at least 75 days
17 before the end of the school term.

18 Any teacher dismissed as a result of such decrease or
19 discontinuance must be paid all earned compensation on or
20 before the third business day following the last day of pupil
21 attendance in the regular school term.

22 If the board or joint agreement has any vacancies for the
23 following school term or within one calendar year from the
24 beginning of the following school term, the positions thereby
25 becoming available must be tendered to the teachers so removed
26 or dismissed who were in groupings 3 or 4 of the sequence of

1 dismissal and are qualified to hold the positions, based upon
2 legal qualifications and any other qualifications established
3 in a district or joint agreement job description, on or before
4 the May 10 prior to the date of the positions becoming
5 available, provided that if the number of honorable dismissal
6 notices based on economic necessity exceeds 15% of the number
7 of full-time equivalent positions filled by certified
8 employees (excluding principals and administrative personnel)
9 during the preceding school year, then the recall period is for
10 the following school term or within 2 calendar years from the
11 beginning of the following school term. If the board or joint
12 agreement has any vacancies within the period from the
13 beginning of the following school term through February 1 of
14 the following school term (unless a date later than February 1,
15 but no later than 6 months from the beginning of the following
16 school term, is established in a collective bargaining
17 agreement), the positions thereby becoming available must be
18 tendered to the teachers so removed or dismissed who were in
19 grouping 2 of the sequence of dismissal due to one "needs
20 improvement" rating on either of the teacher's last 2
21 performance evaluation ratings, provided that, if 2 ratings are
22 available, the other performance evaluation rating used for
23 grouping purposes is "satisfactory", "proficient", or
24 "excellent", and are qualified to hold the positions, based
25 upon legal qualifications and any other qualifications
26 established in a district or joint agreement job description,

1 on or before the May 10 prior to the date of the positions
2 becoming available. On and after July 1, 2014 (the effective
3 date of Public Act 98-648) ~~this amendatory Act of the 98th~~
4 ~~General Assembly~~, the preceding sentence shall apply to
5 teachers removed or dismissed by honorable dismissal, even if
6 notice of honorable dismissal occurred during the 2013-2014
7 school year. Among teachers eligible for recall pursuant to the
8 preceding sentence, the order of recall must be in inverse
9 order of dismissal, unless an alternative order of recall is
10 established in a collective bargaining agreement or contract
11 between the board and a professional faculty members'
12 organization. Whenever the number of honorable dismissal
13 notices based upon economic necessity exceeds 5 notices or 150%
14 of the average number of teachers honorably dismissed in the
15 preceding 3 years, whichever is more, then the school board or
16 governing board of a joint agreement, as applicable, shall also
17 hold a public hearing on the question of the dismissals.
18 Following the hearing and board review, the action to approve
19 any such reduction shall require a majority vote of the board
20 members.

21 For purposes of this subsection (b), subject to agreement
22 on an alternative definition reached by the joint committee
23 described in subsection (c) of this Section, a teacher's
24 performance evaluation rating means the overall performance
25 evaluation rating resulting from an annual or biennial
26 performance evaluation conducted pursuant to Article 24A of

1 this Code by the school district or joint agreement determining
2 the sequence of dismissal, not including any performance
3 evaluation conducted during or at the end of a remediation
4 period. No more than one evaluation rating each school term
5 shall be one of the evaluation ratings used for the purpose of
6 determining the sequence of dismissal. Except as otherwise
7 provided in this subsection for any performance evaluations
8 conducted during or at the end of a remediation period, if
9 multiple performance evaluations are conducted in a school
10 term, only the rating from the last evaluation conducted prior
11 to establishing the sequence of honorable dismissal list in
12 such school term shall be the one evaluation rating from that
13 school term used for the purpose of determining the sequence of
14 dismissal. Averaging ratings from multiple evaluations is not
15 permitted unless otherwise agreed to in a collective bargaining
16 agreement or contract between the board and a professional
17 faculty members' organization. The preceding 3 sentences are
18 not a legislative declaration that existing law does or does
19 not already require that only one performance evaluation each
20 school term shall be used for the purpose of determining the
21 sequence of dismissal. For performance evaluation ratings
22 determined prior to September 1, 2012, any school district or
23 joint agreement with a performance evaluation rating system
24 that does not use either of the rating category systems
25 specified in subsection (d) of Section 24A-5 of this Code for
26 all teachers must establish a basis for assigning each teacher

1 a rating that complies with subsection (d) of Section 24A-5 of
2 this Code for all of the performance evaluation ratings that
3 are to be used to determine the sequence of dismissal. A
4 teacher's grouping and ranking on a sequence of honorable
5 dismissal shall be deemed a part of the teacher's performance
6 evaluation, and that information shall be disclosed to the
7 exclusive bargaining representative as part of a sequence of
8 honorable dismissal list, notwithstanding any laws prohibiting
9 disclosure of such information. A performance evaluation
10 rating may be used to determine the sequence of dismissal,
11 notwithstanding the pendency of any grievance resolution or
12 arbitration procedures relating to the performance evaluation.
13 If a teacher has received at least one performance evaluation
14 rating conducted by the school district or joint agreement
15 determining the sequence of dismissal and a subsequent
16 performance evaluation is not conducted in any school year in
17 which such evaluation is required to be conducted under Section
18 24A-5 of this Code, the teacher's performance evaluation rating
19 for that school year for purposes of determining the sequence
20 of dismissal is deemed Proficient. If a performance evaluation
21 rating is nullified as the result of an arbitration,
22 administrative agency, or court determination, then the school
23 district or joint agreement is deemed to have conducted a
24 performance evaluation for that school year, but the
25 performance evaluation rating may not be used in determining
26 the sequence of dismissal.

1 Nothing in this subsection (b) shall be construed as
2 limiting the right of a school board or governing board of a
3 joint agreement to dismiss a teacher not in contractual
4 continued service in accordance with Section 24-11 of this
5 Code.

6 Any provisions regarding the sequence of honorable
7 dismissals and recall of honorably dismissed teachers in a
8 collective bargaining agreement entered into on or before
9 January 1, 2011 and in effect on June 13, 2011 (the effective
10 date of Public Act 97-8) ~~this amendatory Act of the 97th~~
11 ~~General Assembly~~ that may conflict with Public Act 97-8 ~~this~~
12 ~~amendatory Act of the 97th General Assembly~~ shall remain in
13 effect through the expiration of such agreement or June 30,
14 2013, whichever is earlier.

15 (c) Each school district and special education joint
16 agreement must use a joint committee composed of equal
17 representation selected by the school board and its teachers
18 or, if applicable, the exclusive bargaining representative of
19 its teachers, to address the matters described in paragraphs
20 (1) through (5) of this subsection (c) pertaining to honorable
21 dismissals under subsection (b) of this Section.

22 (1) The joint committee must consider and may agree to
23 criteria for excluding from grouping 2 and placing into
24 grouping 3 a teacher whose last 2 performance evaluations
25 include a Needs Improvement and either a Proficient or
26 Excellent.

1 (2) The joint committee must consider and may agree to
2 an alternative definition for grouping 4, which definition
3 must take into account prior performance evaluation
4 ratings and may take into account other factors that relate
5 to the school district's or program's educational
6 objectives. An alternative definition for grouping 4 may
7 not permit the inclusion of a teacher in the grouping with
8 a Needs Improvement or Unsatisfactory performance
9 evaluation rating on either of the teacher's last 2
10 performance evaluation ratings.

11 (3) The joint committee may agree to including within
12 the definition of a performance evaluation rating a
13 performance evaluation rating administered by a school
14 district or joint agreement other than the school district
15 or joint agreement determining the sequence of dismissal.

16 (4) For each school district or joint agreement that
17 administers performance evaluation ratings that are
18 inconsistent with either of the rating category systems
19 specified in subsection (d) of Section 24A-5 of this Code,
20 the school district or joint agreement must consult with
21 the joint committee on the basis for assigning a rating
22 that complies with subsection (d) of Section 24A-5 of this
23 Code to each performance evaluation rating that will be
24 used in a sequence of dismissal.

25 (5) Upon request by a joint committee member submitted
26 to the employing board by no later than 10 days after the

1 distribution of the sequence of honorable dismissal list, a
2 representative of the employing board shall, within 5 days
3 after the request, provide to members of the joint
4 committee a list showing the most recent and prior
5 performance evaluation ratings of each teacher identified
6 only by length of continuing service in the district or
7 joint agreement and not by name. If, after review of this
8 list, a member of the joint committee has a good faith
9 belief that a disproportionate number of teachers with
10 greater length of continuing service with the district or
11 joint agreement have received a recent performance
12 evaluation rating lower than the prior rating, the member
13 may request that the joint committee review the list to
14 assess whether such a trend may exist. Following the joint
15 committee's review, but by no later than the end of the
16 applicable school term, the joint committee or any member
17 or members of the joint committee may submit a report of
18 the review to the employing board and exclusive bargaining
19 representative, if any. Nothing in this paragraph (5) shall
20 impact the order of honorable dismissal or a school
21 district's or joint agreement's authority to carry out a
22 dismissal in accordance with subsection (b) of this
23 Section.

24 Agreement by the joint committee as to a matter requires
25 the majority vote of all committee members, and if the joint
26 committee does not reach agreement on a matter, then the

1 otherwise applicable requirements of subsection (b) of this
2 Section shall apply. Except as explicitly set forth in this
3 subsection (c), a joint committee has no authority to agree to
4 any further modifications to the requirements for honorable
5 dismissals set forth in subsection (b) of this Section. The
6 joint committee must be established, and the first meeting of
7 the joint committee each school year must occur on or before
8 December 1.

9 The joint committee must reach agreement on a matter on or
10 before February 1 of a school year in order for the agreement
11 of the joint committee to apply to the sequence of dismissal
12 determined during that school year. Subject to the February 1
13 deadline for agreements, the agreement of a joint committee on
14 a matter shall apply to the sequence of dismissal until the
15 agreement is amended or terminated by the joint committee.

16 The provisions of the Open Meetings Act shall not apply to
17 meetings of a joint committee created under this subsection
18 (c).

19 (d) Notwithstanding anything to the contrary in this
20 subsection (d), the requirements and dismissal procedures of
21 Section 24-16.5 of this Code shall apply to any dismissal
22 sought under Section 24-16.5 of this Code.

23 (1) If a dismissal of a teacher in contractual
24 continued service is sought for any reason or cause other
25 than an honorable dismissal under subsections (a) or (b) of
26 this Section or a dismissal sought under Section 24-16.5 of

1 this Code, including those under Section 10-22.4, the board
2 must first approve a motion containing specific charges by
3 a majority vote of all its members. Written notice of such
4 charges, including a bill of particulars and the teacher's
5 right to request a hearing, must be mailed to the teacher
6 and also given to the teacher either by certified mail,
7 return receipt requested, or personal delivery with
8 receipt within 5 days of the adoption of the motion. Any
9 written notice sent on or after July 1, 2012 shall inform
10 the teacher of the right to request a hearing before a
11 mutually selected hearing officer, with the cost of the
12 hearing officer split equally between the teacher and the
13 board, or a hearing before a board-selected hearing
14 officer, with the cost of the hearing officer paid by the
15 board.

16 Before setting a hearing on charges stemming from
17 causes that are considered remediable, a board must give
18 the teacher reasonable warning in writing, stating
19 specifically the causes that, if not removed, may result in
20 charges; however, no such written warning is required if
21 the causes have been the subject of a remediation plan
22 pursuant to Article 24A of this Code.

23 If, in the opinion of the board, the interests of the
24 school require it, the board may suspend the teacher
25 without pay, pending the hearing, but if the board's
26 dismissal or removal is not sustained, the teacher shall

1 not suffer the loss of any salary or benefits by reason of
2 the suspension.

3 (2) No hearing upon the charges is required unless the
4 teacher within 17 days after receiving notice requests in
5 writing of the board that a hearing be scheduled before a
6 mutually selected hearing officer or a hearing officer
7 selected by the board. The secretary of the school board
8 shall forward a copy of the notice to the State Board of
9 Education.

10 (3) Within 5 business days after receiving a notice of
11 hearing in which either notice to the teacher was sent
12 before July 1, 2012 or, if the notice was sent on or after
13 July 1, 2012, the teacher has requested a hearing before a
14 mutually selected hearing officer, the State Board of
15 Education shall provide a list of 5 prospective, impartial
16 hearing officers from the master list of qualified,
17 impartial hearing officers maintained by the State Board of
18 Education. Each person on the master list must (i) be
19 accredited by a national arbitration organization and have
20 had a minimum of 5 years of experience directly related to
21 labor and employment relations matters between employers
22 and employees or their exclusive bargaining
23 representatives and (ii) beginning September 1, 2012, have
24 participated in training provided or approved by the State
25 Board of Education for teacher dismissal hearing officers
26 so that he or she is familiar with issues generally

1 involved in evaluative and non-evaluative dismissals.

2 If notice to the teacher was sent before July 1, 2012
3 or, if the notice was sent on or after July 1, 2012, the
4 teacher has requested a hearing before a mutually selected
5 hearing officer, the board and the teacher or their legal
6 representatives within 3 business days shall alternately
7 strike one name from the list provided by the State Board
8 of Education until only one name remains. Unless waived by
9 the teacher, the teacher shall have the right to proceed
10 first with the striking. Within 3 business days of receipt
11 of the list provided by the State Board of Education, the
12 board and the teacher or their legal representatives shall
13 each have the right to reject all prospective hearing
14 officers named on the list and notify the State Board of
15 Education of such rejection. Within 3 business days after
16 receiving this notification, the State Board of Education
17 shall appoint a qualified person from the master list who
18 did not appear on the list sent to the parties to serve as
19 the hearing officer, unless the parties notify it that they
20 have chosen to alternatively select a hearing officer under
21 paragraph (4) of this subsection (d).

22 If the teacher has requested a hearing before a hearing
23 officer selected by the board, the board shall select one
24 name from the master list of qualified impartial hearing
25 officers maintained by the State Board of Education within
26 3 business days after receipt and shall notify the State

1 Board of Education of its selection.

2 A hearing officer mutually selected by the parties,
3 selected by the board, or selected through an alternative
4 selection process under paragraph (4) of this subsection
5 (d) (A) must not be a resident of the school district, (B)
6 must be available to commence the hearing within 75 days
7 and conclude the hearing within 120 days after being
8 selected as the hearing officer, and (C) must issue a
9 decision as to whether the teacher must be dismissed and
10 give a copy of that decision to both the teacher and the
11 board within 30 days from the conclusion of the hearing or
12 closure of the record, whichever is later.

13 (4) In the alternative to selecting a hearing officer
14 from the list received from the State Board of Education or
15 accepting the appointment of a hearing officer by the State
16 Board of Education or if the State Board of Education
17 cannot provide a list or appoint a hearing officer that
18 meets the foregoing requirements, the board and the teacher
19 or their legal representatives may mutually agree to select
20 an impartial hearing officer who is not on the master list
21 either by direct appointment by the parties or by using
22 procedures for the appointment of an arbitrator
23 established by the Federal Mediation and Conciliation
24 Service or the American Arbitration Association. The
25 parties shall notify the State Board of Education of their
26 intent to select a hearing officer using an alternative

1 procedure within 3 business days of receipt of a list of
2 prospective hearing officers provided by the State Board of
3 Education, notice of appointment of a hearing officer by
4 the State Board of Education, or receipt of notice from the
5 State Board of Education that it cannot provide a list that
6 meets the foregoing requirements, whichever is later.

7 (5) If the notice of dismissal was sent to the teacher
8 before July 1, 2012, the fees and costs for the hearing
9 officer must be paid by the State Board of Education. If
10 the notice of dismissal was sent to the teacher on or after
11 July 1, 2012, the hearing officer's fees and costs must be
12 paid as follows in this paragraph (5). The fees and
13 permissible costs for the hearing officer must be
14 determined by the State Board of Education. If the board
15 and the teacher or their legal representatives mutually
16 agree to select an impartial hearing officer who is not on
17 a list received from the State Board of Education, they may
18 agree to supplement the fees determined by the State Board
19 to the hearing officer, at a rate consistent with the
20 hearing officer's published professional fees. If the
21 hearing officer is mutually selected by the parties, then
22 the board and the teacher or their legal representatives
23 shall each pay 50% of the fees and costs and any
24 supplemental allowance to which they agree. If the hearing
25 officer is selected by the board, then the board shall pay
26 100% of the hearing officer's fees and costs. The fees and

1 costs must be paid to the hearing officer within 14 days
2 after the board and the teacher or their legal
3 representatives receive the hearing officer's decision set
4 forth in paragraph (7) of this subsection (d).

5 (6) The teacher is required to answer the bill of
6 particulars and aver affirmative matters in his or her
7 defense, and the time for initially doing so and the time
8 for updating such answer and defenses after pre-hearing
9 discovery must be set by the hearing officer. The State
10 Board of Education shall promulgate rules so that each
11 party has a fair opportunity to present its case and to
12 ensure that the dismissal process proceeds in a fair and
13 expeditious manner. These rules shall address, without
14 limitation, discovery and hearing scheduling conferences;
15 the teacher's initial answer and affirmative defenses to
16 the bill of particulars and the updating of that
17 information after pre-hearing discovery; provision for
18 written interrogatories and requests for production of
19 documents; the requirement that each party initially
20 disclose to the other party and then update the disclosure
21 no later than 10 calendar days prior to the commencement of
22 the hearing, the names and addresses of persons who may be
23 called as witnesses at the hearing, a summary of the facts
24 or opinions each witness will testify to, and all other
25 documents and materials, including information maintained
26 electronically, relevant to its own as well as the other

1 party's case (the hearing officer may exclude witnesses and
2 exhibits not identified and shared, except those offered in
3 rebuttal for which the party could not reasonably have
4 anticipated prior to the hearing); pre-hearing discovery
5 and preparation, including provision for written
6 interrogatories and requests for production of documents,
7 provided that discovery depositions are prohibited; the
8 conduct of the hearing; the right of each party to be
9 represented by counsel, the offer of evidence and witnesses
10 and the cross-examination of witnesses; the authority of
11 the hearing officer to issue subpoenas and subpoenas duces
12 tecum, provided that the hearing officer may limit the
13 number of witnesses to be subpoenaed on behalf of each
14 party to no more than 7; the length of post-hearing briefs;
15 and the form, length, and content of hearing officers'
16 decisions. The hearing officer shall hold a hearing and
17 render a final decision for dismissal pursuant to Article
18 24A of this Code or shall report to the school board
19 findings of fact and a recommendation as to whether or not
20 the teacher must be dismissed for conduct. The hearing
21 officer shall commence the hearing within 75 days and
22 conclude the hearing within 120 days after being selected
23 as the hearing officer, provided that the hearing officer
24 may modify these timelines upon the showing of good cause
25 or mutual agreement of the parties. Good cause for the
26 purpose of this subsection (d) shall mean the illness or

1 otherwise unavoidable emergency of the teacher, district
2 representative, their legal representatives, the hearing
3 officer, or an essential witness as indicated in each
4 party's pre-hearing submission. In a dismissal hearing
5 pursuant to Article 24A of this Code in which a witness is
6 a student or is under the age of 18, the hearing officer
7 must make accommodations for the witness, as provided under
8 paragraph (6.5) of this subsection. The, —the hearing
9 officer shall consider and give weight to all of the
10 teacher's evaluations written pursuant to Article 24A that
11 are relevant to the issues in the hearing.

12 Each party shall have no more than 3 days to present
13 its case, unless extended by the hearing officer to enable
14 a party to present adequate evidence and testimony,
15 including due to the other party's cross-examination of the
16 party's witnesses, for good cause or by mutual agreement of
17 the parties. The State Board of Education shall define in
18 rules the meaning of "day" for such purposes. All testimony
19 at the hearing shall be taken under oath administered by
20 the hearing officer. The hearing officer shall cause a
21 record of the proceedings to be kept and shall employ a
22 competent reporter to take stenographic or stenotype notes
23 of all the testimony. The costs of the reporter's
24 attendance and services at the hearing shall be paid by the
25 party or parties who are responsible for paying the fees
26 and costs of the hearing officer. Either party desiring a

1 transcript of the hearing shall pay for the cost thereof.
2 Any post-hearing briefs must be submitted by the parties by
3 no later than 21 days after a party's receipt of the
4 transcript of the hearing, unless extended by the hearing
5 officer for good cause or by mutual agreement of the
6 parties.

7 (6.5) In the case of charges involving sexual abuse or
8 severe physical abuse of a student or a person under the
9 age of 18, the hearing officer shall make alternative
10 hearing procedures to protect a witness who is a student or
11 who is under the age of 18 from being intimidated or
12 traumatized. Alternative hearing procedures may include,
13 but are not limited to: (i) testimony made via a
14 telecommunication device in a location other than the
15 hearing room and outside the physical presence of the
16 teacher and other hearing participants, (ii) testimony
17 outside the physical presence of the teacher, or (iii)
18 non-public testimony. During a testimony described under
19 this subsection, each party must be permitted to ask a
20 witness who is a student or who is under 18 years of age
21 all relevant questions and follow-up questions. All
22 questions must exclude evidence of the witness' sexual
23 behavior or predisposition, unless the evidence is offered
24 to prove that someone other than the teacher subject to the
25 dismissal hearing engaged in the charge at issue.

26 (7) The hearing officer shall, within 30 days from the

1 conclusion of the hearing or closure of the record,
2 whichever is later, make a decision as to whether or not
3 the teacher shall be dismissed pursuant to Article 24A of
4 this Code or report to the school board findings of fact
5 and a recommendation as to whether or not the teacher shall
6 be dismissed for cause and shall give a copy of the
7 decision or findings of fact and recommendation to both the
8 teacher and the school board. If a hearing officer fails
9 without good cause, specifically provided in writing to
10 both parties and the State Board of Education, to render a
11 decision or findings of fact and recommendation within 30
12 days after the hearing is concluded or the record is
13 closed, whichever is later, the parties may mutually agree
14 to select a hearing officer pursuant to the alternative
15 procedure, as provided in this Section, to rehear the
16 charges heard by the hearing officer who failed to render a
17 decision or findings of fact and recommendation or to
18 review the record and render a decision. If any hearing
19 officer fails without good cause, specifically provided in
20 writing to both parties and the State Board of Education,
21 to render a decision or findings of fact and recommendation
22 within 30 days after the hearing is concluded or the record
23 is closed, whichever is later, the hearing officer shall be
24 removed from the master list of hearing officers maintained
25 by the State Board of Education for not more than 24
26 months. The parties and the State Board of Education may

1 also take such other actions as it deems appropriate,
2 including recovering, reducing, or withholding any fees
3 paid or to be paid to the hearing officer. If any hearing
4 officer repeats such failure, he or she must be permanently
5 removed from the master list maintained by the State Board
6 of Education and may not be selected by parties through the
7 alternative selection process under this paragraph (7) or
8 paragraph (4) of this subsection (d). The board shall not
9 lose jurisdiction to discharge a teacher if the hearing
10 officer fails to render a decision or findings of fact and
11 recommendation within the time specified in this Section.
12 If the decision of the hearing officer for dismissal
13 pursuant to Article 24A of this Code or of the school board
14 for dismissal for cause is in favor of the teacher, then
15 the hearing officer or school board shall order
16 reinstatement to the same or substantially equivalent
17 position and shall determine the amount for which the
18 school board is liable, including, but not limited to, loss
19 of income and benefits.

20 (8) The school board, within 45 days after receipt of
21 the hearing officer's findings of fact and recommendation
22 as to whether (i) the conduct at issue occurred, (ii) the
23 conduct that did occur was remediable, and (iii) the
24 proposed dismissal should be sustained, shall issue a
25 written order as to whether the teacher must be retained or
26 dismissed for cause from its employ. The school board's

1 written order shall incorporate the hearing officer's
2 findings of fact, except that the school board may modify
3 or supplement the findings of fact if, in its opinion, the
4 findings of fact are against the manifest weight of the
5 evidence.

6 If the school board dismisses the teacher
7 notwithstanding the hearing officer's findings of fact and
8 recommendation, the school board shall make a conclusion in
9 its written order, giving its reasons therefor, and such
10 conclusion and reasons must be included in its written
11 order. The failure of the school board to strictly adhere
12 to the timelines contained in this Section shall not render
13 it without jurisdiction to dismiss the teacher. The school
14 board shall not lose jurisdiction to discharge the teacher
15 for cause if the hearing officer fails to render a
16 recommendation within the time specified in this Section.
17 The decision of the school board is final, unless reviewed
18 as provided in paragraph (9) of this subsection (d).

19 If the school board retains the teacher, the school
20 board shall enter a written order stating the amount of
21 back pay and lost benefits, less mitigation, to be paid to
22 the teacher, within 45 days after its retention order.
23 Should the teacher object to the amount of the back pay and
24 lost benefits or amount mitigated, the teacher shall give
25 written objections to the amount within 21 days. If the
26 parties fail to reach resolution within 7 days, the dispute

1 shall be referred to the hearing officer, who shall
2 consider the school board's written order and teacher's
3 written objection and determine the amount to which the
4 school board is liable. The costs of the hearing officer's
5 review and determination must be paid by the board.

6 (9) The decision of the hearing officer pursuant to
7 Article 24A of this Code or of the school board's decision
8 to dismiss for cause is final unless reviewed as provided
9 in Section 24-16 of this Code Act. If the school board's
10 decision to dismiss for cause is contrary to the hearing
11 officer's recommendation, the court on review shall give
12 consideration to the school board's decision and its
13 supplemental findings of fact, if applicable, and the
14 hearing officer's findings of fact and recommendation in
15 making its decision. In the event such review is
16 instituted, the school board shall be responsible for
17 preparing and filing the record of proceedings, and such
18 costs associated therewith must be divided equally between
19 the parties.

20 (10) If a decision of the hearing officer for dismissal
21 pursuant to Article 24A of this Code or of the school board
22 for dismissal for cause is adjudicated upon review or
23 appeal in favor of the teacher, then the trial court shall
24 order reinstatement and shall remand the matter to the
25 school board with direction for entry of an order setting
26 the amount of back pay, lost benefits, and costs, less

1 mitigation. The teacher may challenge the school board's
2 order setting the amount of back pay, lost benefits, and
3 costs, less mitigation, through an expedited arbitration
4 procedure, with the costs of the arbitrator borne by the
5 school board.

6 Any teacher who is reinstated by any hearing or
7 adjudication brought under this Section shall be assigned
8 by the board to a position substantially similar to the one
9 which that teacher held prior to that teacher's suspension
10 or dismissal.

11 (11) Subject to any later effective date referenced in
12 this Section for a specific aspect of the dismissal
13 process, the changes made by Public Act 97-8 shall apply to
14 dismissals instituted on or after September 1, 2011. Any
15 dismissal instituted prior to September 1, 2011 must be
16 carried out in accordance with the requirements of this
17 Section prior to amendment by Public Act 97-8.

18 (e) Nothing contained in Public Act 98-648 ~~this amendatory~~
19 ~~Act of the 98th General Assembly~~ repeals, supersedes,
20 invalidates, or nullifies final decisions in lawsuits pending
21 on July 1, 2014 (the effective date of Public Act 98-648) ~~this~~
22 ~~amendatory Act of the 98th General Assembly~~ in Illinois courts
23 involving the interpretation of Public Act 97-8.
24 (Source: P.A. 99-78, eff. 7-20-15; 100-768, eff. 1-1-19;
25 revised 9-28-18.)

1 (105 ILCS 5/24-14) (from Ch. 122, par. 24-14)

2 Sec. 24-14. Termination of contractual continued service
3 by teacher. A teacher who has entered into contractual
4 continued service may resign at any time by obtaining
5 concurrence of the board or by serving at least 30 days'
6 written notice upon the secretary of the board. However, no
7 teacher may resign during the school term, without the
8 concurrence of the board, in order to accept another teaching
9 assignment. Any teacher terminating said service not in
10 accordance with this Section may be referred by the board to
11 the State Superintendent of Education is guilty of
12 unprofessional conduct and liable to suspension of licensure
13 for a period not to exceed 1 year, as provided in Section
14 21B-75 of this Code. The State Superintendent or his or her
15 designee shall convene an informal evidentiary hearing no later
16 than 90 days after receipt of a resolution by the board. If the
17 State Superintendent or his or her designee finds that the
18 teacher resigned during the school term without the concurrence
19 of the board to accept another teaching assignment, the State
20 Superintendent must suspend the teacher's license for one
21 calendar year. In lieu of a hearing and finding, the teacher
22 may agree to a lesser licensure sanction at the discretion of
23 the State Superintendent.

24 (Source: P.A. 97-607, eff. 8-26-11.)

25 (105 ILCS 5/27A-5)

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

2 (a) A charter school shall be a public, nonsectarian,
3 nonreligious, non-home based, and non-profit school. A charter
4 school shall be organized and operated as a nonprofit
5 corporation or other discrete, legal, nonprofit entity
6 authorized under the laws of the State of Illinois.

7 (b) A charter school may be established under this Article
8 by creating a new school or by converting an existing public
9 school or attendance center to charter school status. Beginning
10 on April 16, 2003 (the effective date of Public Act 93-3), in
11 all new applications to establish a charter school in a city
12 having a population exceeding 500,000, operation of the charter
13 school shall be limited to one campus. The changes made to this
14 Section by Public Act 93-3 do not apply to charter schools
15 existing or approved on or before April 16, 2003 (the effective
16 date of Public Act 93-3).

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

22 From April 1, 2013 through December 31, 2016, there is a
23 moratorium on the establishment of charter schools with
24 virtual-schooling components in school districts other than a
25 school district organized under Article 34 of this Code. This
26 moratorium does not apply to a charter school with

1 virtual-schooling components existing or approved prior to
2 April 1, 2013 or to the renewal of the charter of a charter
3 school with virtual-schooling components already approved
4 prior to April 1, 2013.

5 On or before March 1, 2014, the Commission shall submit to
6 the General Assembly a report on the effect of
7 virtual-schooling, including without limitation the effect on
8 student performance, the costs associated with
9 virtual-schooling, and issues with oversight. The report shall
10 include policy recommendations for virtual-schooling.

11 (c) A charter school shall be administered and governed by
12 its board of directors or other governing body in the manner
13 provided in its charter. The governing body of a charter school
14 shall be subject to the Freedom of Information Act and the Open
15 Meetings Act.

16 (d) For purposes of this subsection (d), "non-curricular
17 health and safety requirement" means any health and safety
18 requirement created by statute or rule to provide, maintain,
19 preserve, or safeguard safe or healthful conditions for
20 students and school personnel or to eliminate, reduce, or
21 prevent threats to the health and safety of students and school
22 personnel. "Non-curricular health and safety requirement" does
23 not include any course of study or specialized instructional
24 requirement for which the State Board has established goals and
25 learning standards or which is designed primarily to impart
26 knowledge and skills for students to master and apply as an

1 outcome of their education.

2 A charter school shall comply with all non-curricular
3 health and safety requirements applicable to public schools
4 under the laws of the State of Illinois. On or before September
5 1, 2015, the State Board shall promulgate and post on its
6 Internet website a list of non-curricular health and safety
7 requirements that a charter school must meet. The list shall be
8 updated annually no later than September 1. Any charter
9 contract between a charter school and its authorizer must
10 contain a provision that requires the charter school to follow
11 the list of all non-curricular health and safety requirements
12 promulgated by the State Board and any non-curricular health
13 and safety requirements added by the State Board to such list
14 during the term of the charter. Nothing in this subsection (d)
15 precludes an authorizer from including non-curricular health
16 and safety requirements in a charter school contract that are
17 not contained in the list promulgated by the State Board,
18 including non-curricular health and safety requirements of the
19 authorizing local school board.

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

24 (f) A charter school shall be responsible for the
25 management and operation of its fiscal affairs including, but
26 not limited to, the preparation of its budget. An audit of each

1 charter school's finances shall be conducted annually by an
2 outside, independent contractor retained by the charter
3 school. To ensure financial accountability for the use of
4 public funds, on or before December 1 of every year of
5 operation, each charter school shall submit to its authorizer
6 and the State Board a copy of its audit and a copy of the Form
7 990 the charter school filed that year with the federal
8 Internal Revenue Service. In addition, if deemed necessary for
9 proper financial oversight of the charter school, an authorizer
10 may require quarterly financial statements from each charter
11 school.

12 (g) A charter school shall comply with all provisions of
13 this Article, the Illinois Educational Labor Relations Act, all
14 federal and State laws and rules applicable to public schools
15 that pertain to special education and the instruction of
16 English learners, and its charter. A charter school is exempt
17 from all other State laws and regulations in this Code
18 governing public schools and local school board policies;
19 however, a charter school is not exempt from the following:

20 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
21 criminal history records checks and checks of the Statewide
22 Sex Offender Database and Statewide Murderer and Violent
23 Offender Against Youth Database of applicants for
24 employment;

25 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
26 34-84a of this Code regarding discipline of students;

1 (3) the Local Governmental and Governmental Employees
2 Tort Immunity Act;

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

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

7 (5.5) subsection (b) of Section 10-23.12 and
8 subsection (b) of Section 34-18.6 of this Code;

9 (6) the Illinois School Student Records Act;

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

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

13 (9) Section 27-23.7 of this Code regarding bullying
14 prevention;

15 (10) Section 2-3.162 of this Code regarding student
16 discipline reporting;

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

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

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

20 (14) Section 26-18 of this Code; ~~and~~

21 (15) Section 22-30 of this Code; ~~and~~

22 (16) Sections 24-12 and 34-85 of this Code.

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

25 (h) A charter school may negotiate and contract with a
26 school district, the governing body of a State college or

1 university or public community college, or any other public or
2 for-profit or nonprofit private entity for: (i) the use of a
3 school building and grounds or any other real property or
4 facilities that the charter school desires to use or convert
5 for use as a charter school site, (ii) the operation and
6 maintenance thereof, and (iii) the provision of any service,
7 activity, or undertaking that the charter school is required to
8 perform in order to carry out the terms of its charter.
9 However, a charter school that is established on or after April
10 16, 2003 (the effective date of Public Act 93-3) and that
11 operates in a city having a population exceeding 500,000 may
12 not contract with a for-profit entity to manage or operate the
13 school during the period that commences on April 16, 2003 (the
14 effective date of Public Act 93-3) and concludes at the end of
15 the 2004-2005 school year. Except as provided in subsection (i)
16 of this Section, a school district may charge a charter school
17 reasonable rent for the use of the district's buildings,
18 grounds, and facilities. Any services for which a charter
19 school contracts with a school district shall be provided by
20 the district at cost. Any services for which a charter school
21 contracts with a local school board or with the governing body
22 of a State college or university or public community college
23 shall be provided by the public entity at cost.

24 (i) In no event shall a charter school that is established
25 by converting an existing school or attendance center to
26 charter school status be required to pay rent for space that is

1 deemed available, as negotiated and provided in the charter
2 agreement, in school district facilities. However, all other
3 costs for the operation and maintenance of school district
4 facilities that are used by the charter school shall be subject
5 to negotiation between the charter school and the local school
6 board and shall be set forth in the charter.

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

9 (k) If the charter school is approved by the Commission,
10 then the Commission charter school is its own local education
11 agency.

12 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
13 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
14 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
15 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
16 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
17 eff. 8-14-18; revised 10-5-18.)

18 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

19 Sec. 34-18.5. Criminal history records checks and checks of
20 the Statewide Sex Offender Database and Statewide Murderer and
21 Violent Offender Against Youth Database.

22 (a) Licensed and nonlicensed ~~Certified and noncertified~~
23 applicants for employment with the school district are required
24 as a condition of employment to authorize a fingerprint-based
25 criminal history records check to determine if such applicants

1 have been convicted of any disqualifying, ~~of the~~ enumerated
2 criminal or drug offenses in subsection (c) of this Section or
3 have been convicted, within 7 years of the application for
4 employment with the school district, of any other felony under
5 the laws of this State or of any offense committed or attempted
6 in any other state or against the laws of the United States
7 that, if committed or attempted in this State, would have been
8 punishable as a felony under the laws of this State.
9 Authorization for the check shall be furnished by the applicant
10 to the school district, except that if the applicant is a
11 substitute teacher seeking employment in more than one school
12 district, or a teacher seeking concurrent part-time employment
13 positions with more than one school district (as a reading
14 specialist, special education teacher or otherwise), or an
15 educational support personnel employee seeking employment
16 positions with more than one district, any such district may
17 require the applicant to furnish authorization for the check to
18 the regional superintendent of the educational service region
19 in which are located the school districts in which the
20 applicant is seeking employment as a substitute or concurrent
21 part-time teacher or concurrent educational support personnel
22 employee. Upon receipt of this authorization, the school
23 district or the appropriate regional superintendent, as the
24 case may be, shall submit the applicant's name, sex, race, date
25 of birth, social security number, fingerprint images, and other
26 identifiers, as prescribed by the Department of State Police,

1 to the Department. The regional superintendent submitting the
2 requisite information to the Department of State Police shall
3 promptly notify the school districts in which the applicant is
4 seeking employment as a substitute or concurrent part-time
5 teacher or concurrent educational support personnel employee
6 that the check of the applicant has been requested. The
7 Department of State Police and the Federal Bureau of
8 Investigation shall furnish, pursuant to a fingerprint-based
9 criminal history records check, records of convictions,
10 forever and hereinafter, until expunged, to the president of
11 the school board for the school district that requested the
12 check, or to the regional superintendent who requested the
13 check. The Department shall charge the school district or the
14 appropriate regional superintendent a fee for conducting such
15 check, which fee shall be deposited in the State Police
16 Services Fund and shall not exceed the cost of the inquiry; and
17 the applicant shall not be charged a fee for such check by the
18 school district or by the regional superintendent. Subject to
19 appropriations for these purposes, the State Superintendent of
20 Education shall reimburse the school district and regional
21 superintendent for fees paid to obtain criminal history records
22 checks under this Section.

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

1 Database must be conducted by the school district or regional
2 superintendent once for every 5 years that an applicant remains
3 employed by the school district.

4 (a-6) The school district or regional superintendent shall
5 further perform a check of the Statewide Murderer and Violent
6 Offender Against Youth Database, as authorized by the Murderer
7 and Violent Offender Against Youth Community Notification Law,
8 for each applicant. The check of the Murderer and Violent
9 Offender Against Youth Database must be conducted by the school
10 district or regional superintendent once for every 5 years that
11 an applicant remains employed by the school district.

12 (b) Any information concerning the record of convictions
13 obtained by the president of the board of education or the
14 regional superintendent shall be confidential and may only be
15 transmitted to the general superintendent of the school
16 district or his designee, the appropriate regional
17 superintendent if the check was requested by the board of
18 education for the school district, the presidents of the
19 appropriate board of education or school boards if the check
20 was requested from the Department of State Police by the
21 regional superintendent, the State Superintendent of
22 Education, the State Educator Preparation and Licensure ~~State~~
23 ~~Teacher Certification~~ Board or any other person necessary to
24 the decision of hiring the applicant for employment. A copy of
25 the record of convictions obtained from the Department of State
26 Police shall be provided to the applicant for employment. Upon

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

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

18 (c) The board of education shall not knowingly employ a
19 person who has been convicted of any offense that would subject
20 him or her to license suspension or revocation pursuant to
21 Section 21B-80 of this Code, except as provided under
22 subsection (b) of 21B-80. Further, the board of education shall
23 not knowingly employ a person who has been found to be the
24 perpetrator of sexual or physical abuse of any minor under 18
25 years of age pursuant to proceedings under Article II of the
26 Juvenile Court Act of 1987. As a condition of employment, the

1 board of education must consider the status of a person who has
2 been issued an indicated finding of abuse or neglect of a child
3 by the Department of Children and Family Services under the
4 Abused and Neglected Child Reporting Act or by a child welfare
5 agency of another jurisdiction.

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) No later than 15 business days after receipt of a
10 record of conviction or of checking the Statewide Murderer and
11 Violent Offender Against Youth Database or the Statewide Sex
12 Offender Database and finding a registration, the general
13 superintendent of schools or the applicable regional
14 superintendent shall, in writing, notify the State
15 Superintendent of Education of any license holder who has been
16 convicted of a crime set forth in Section 21B-80 of this Code.
17 Upon receipt of the record of a conviction of or a finding of
18 child abuse by a holder of any license ~~certificate~~ issued
19 pursuant to Article 21B ~~21~~ or Section 34-8.1 or 34-83 of the
20 School Code, the State Superintendent of Education may initiate
21 licensure ~~certificate~~ suspension and revocation proceedings as
22 authorized by law. If the receipt of the record of conviction
23 or finding of child abuse is received within 6 months after the
24 initial grant of or renewal of a license, the State
25 Superintendent of Education may rescind the license holder's
26 license.

1 (e-5) The general superintendent of schools shall, in
2 writing, notify the State Superintendent of Education of any
3 license ~~certificate~~ holder whom he or she has reasonable cause
4 to believe has committed an intentional act of abuse or neglect
5 with the result of making a child an abused child or a
6 neglected child, as defined in Section 3 of the Abused and
7 Neglected Child Reporting Act, and that act resulted in the
8 license ~~certificate~~ holder's dismissal or resignation from the
9 school district. This notification must be submitted within 30
10 days after the dismissal or resignation. The license
11 ~~certificate~~ holder must also be contemporaneously sent a copy
12 of the notice by the superintendent. All correspondence,
13 documentation, and other information so received by the State
14 Superintendent of Education, the State Board of Education, or
15 the State Educator Preparation and Licensure ~~State Teacher~~
16 ~~Certification~~ Board under this subsection (e-5) is
17 confidential and must not be disclosed to third parties, except
18 (i) as necessary for the State Superintendent of Education or
19 his or her designee to investigate and prosecute pursuant to
20 Article 21B ~~21~~ of this Code, (ii) pursuant to a court order,
21 (iii) for disclosure to the license ~~certificate~~ holder or his
22 or her representative, or (iv) as otherwise provided in this
23 Article and provided that any such information admitted into
24 evidence in a hearing is exempt from this confidentiality and
25 non-disclosure requirement. Except for an act of willful or
26 wanton misconduct, any superintendent who provides

1 notification as required in this subsection (e-5) shall have
2 immunity from any liability, whether civil or criminal or that
3 otherwise might result by reason of such action.

4 (f) After March 19, 1990, the provisions of this Section
5 shall apply to all employees of persons or firms holding
6 contracts with any school district including, but not limited
7 to, food service workers, school bus drivers and other
8 transportation employees, who have direct, daily contact with
9 the pupils of any school in such district. For purposes of
10 criminal history records checks and checks of the Statewide Sex
11 Offender Database on employees of persons or firms holding
12 contracts with more than one school district and assigned to
13 more than one school district, the regional superintendent of
14 the educational service region in which the contracting school
15 districts are located may, at the request of any such school
16 district, be responsible for receiving the authorization for a
17 criminal history records check prepared by each such employee
18 and submitting the same to the Department of State Police and
19 for conducting a check of the Statewide Sex Offender Database
20 for each employee. Any information concerning the record of
21 conviction and identification as a sex offender of any such
22 employee obtained by the regional superintendent shall be
23 promptly reported to the president of the appropriate school
24 board or school boards.

25 (f-5) Upon request of a school or school district, any
26 information obtained by the school district pursuant to

1 subsection (f) of this Section within the last year must be
2 made available to the requesting school or school district.

3 (g) Prior to the commencement of any student teaching
4 experience or required internship (which is referred to as
5 student teaching in this Section) in the public schools, a
6 student teacher is required to authorize a fingerprint-based
7 criminal history records check. Authorization for and payment
8 of the costs of the check must be furnished by the student
9 teacher to the school district. Upon receipt of this
10 authorization and payment, the school district shall submit the
11 student teacher's name, sex, race, date of birth, social
12 security number, fingerprint images, and other identifiers, as
13 prescribed by the Department of State Police, to the Department
14 of State Police. The Department of State Police and the Federal
15 Bureau of Investigation shall furnish, pursuant to a
16 fingerprint-based criminal history records check, records of
17 convictions, forever and hereinafter, until expunged, to the
18 president of the board. The Department shall charge the school
19 district a fee for conducting the check, which fee must not
20 exceed the cost of the inquiry and must be deposited into the
21 State Police Services Fund. The school district shall further
22 perform a check of the Statewide Sex Offender Database, as
23 authorized by the Sex Offender Community Notification Law, and
24 of the Statewide Murderer and Violent Offender Against Youth
25 Database, as authorized by the Murderer and Violent Offender
26 Against Youth Registration Act, for each student teacher. The

1 board may not knowingly allow a person to student teach for
2 whom a criminal history records check, a Statewide Sex Offender
3 Database check, and a Statewide Murderer and Violent Offender
4 Against Youth Database check have not been completed and
5 reviewed by the district.

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

18 The board may not knowingly allow a person to student teach
19 who has been convicted of any offense that would subject him or
20 her to license suspension or revocation pursuant to subsection
21 (c) of Section 21B-80 of this Code, except as provided under
22 subsection (b) of Section 21B-80. Further, the board may not
23 allow a person to student teach if he or she ~~or who~~ has been
24 found to be the perpetrator of sexual or physical abuse of a
25 minor under 18 years of age pursuant to proceedings under
26 Article II of the Juvenile Court Act of 1987. The board must

1 consider the status of a person to student teach who has been
2 issued an indicated finding of abuse or neglect of a child by
3 the Department of Children and Family Services under the Abused
4 and Neglected Child Reporting Act or by a child welfare agency
5 of another jurisdiction.

6 (h) (Blank).

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

8 (105 ILCS 5/34-18.6) (from Ch. 122, par. 34-18.6)

9 Sec. 34-18.6. Child abuse and neglect; detection,
10 reporting, and prevention; willful or negligent failure to
11 report.

12 (a) The Board of Education may provide staff development
13 for local school site personnel who work with pupils in grades
14 kindergarten through 8 in the detection, reporting, and
15 prevention of child abuse and neglect.

16 (b) The Department of Children and Family Services may, in
17 cooperation with school officials, distribute appropriate
18 materials in school buildings listing the toll-free telephone
19 number established in Section 7.6 of the Abused and Neglected
20 Child Reporting Act, including methods of making a report under
21 Section 7 of the Abused and Neglected Child Reporting Act, to
22 be displayed in a clearly visible location in each school
23 building.

24 (c) Except for an employee licensed under Article 21B of
25 this Code, if the board determines that any school district

1 employee has willfully or negligently failed to report an
2 instance of suspected child abuse or neglect, as required by
3 the Abused and Neglected Child Reporting Act, then the board
4 may dismiss that employee immediately upon that determination.
5 For purposes of this subsection (c), negligent failure to
6 report an instance of suspected child abuse or neglect occurs
7 when a school district employee personally observes an instance
8 of suspected child abuse or neglect and reasonably believes, in
9 his or her professional or official capacity, that the instance
10 constitutes an act of child abuse or neglect under the Abused
11 and Neglected Child Reporting Act, and he or she, without
12 willful intent, fails to immediately report or cause a report
13 to be made of the suspected abuse or neglect to the Department
14 of Children and Family Services, as required by the Abused and
15 Neglected Child Reporting Act.

16 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

17 (105 ILCS 5/34-18.61 new)

18 Sec. 34-18.61. Sexual abuse investigations at schools.
19 Every 2 years, the school district must review all existing
20 policies and procedures concerning sexual abuse investigations
21 at schools to ensure consistency with Section 22-85.

22 (105 ILCS 5/34-85) (from Ch. 122, par. 34-85)

23 Sec. 34-85. Removal for cause; notice and hearing;
24 suspension.

1 (a) No teacher employed by the board of education shall
2 (after serving the probationary period specified in Section
3 34-84) be removed except for cause. Teachers (who have
4 completed the probationary period specified in Section 34-84 of
5 this Code) shall be removed for cause in accordance with the
6 procedures set forth in this Section or, at the board's option,
7 the procedures set forth in Section 24-16.5 of this Code or
8 such other procedures established in an agreement entered into
9 between the board and the exclusive representative of the
10 district's teachers under Section 34-85c of this Code for
11 teachers (who have completed the probationary period specified
12 in Section 34-84 of this Code) assigned to schools identified
13 in that agreement. No principal employed by the board of
14 education shall be removed during the term of his or her
15 performance contract except for cause, which may include but is
16 not limited to the principal's repeated failure to implement
17 the school improvement plan or to comply with the provisions of
18 the Uniform Performance Contract, including additional
19 criteria established by the Council for inclusion in the
20 performance contract pursuant to Section 34-2.3.

21 Before service of notice of charges on account of causes
22 that may be deemed to be remediable, the teacher or principal
23 must be given reasonable warning in writing, stating
24 specifically the causes that, if not removed, may result in
25 charges; however, no such written warning is required if the
26 causes have been the subject of a remediation plan pursuant to

1 Article 24A of this Code or if the board and the exclusive
2 representative of the district's teachers have entered into an
3 agreement pursuant to Section 34-85c of this Code, pursuant to
4 an alternative system of remediation. No written warning shall
5 be required for conduct on the part of a teacher or principal
6 that is cruel, immoral, negligent, or criminal or that in any
7 way causes psychological or physical harm or injury to a
8 student, as that conduct is deemed to be irremediable. No
9 written warning shall be required for a material breach of the
10 uniform principal performance contract, as that conduct is
11 deemed to be irremediable; provided that not less than 30 days
12 before the vote of the local school council to seek the
13 dismissal of a principal for a material breach of a uniform
14 principal performance contract, the local school council shall
15 specify the nature of the alleged breach in writing and provide
16 a copy of it to the principal.

17 (1) To initiate dismissal proceedings against a
18 teacher or principal, the general superintendent must
19 first approve written charges and specifications against
20 the teacher or principal. A local school council may direct
21 the general superintendent to approve written charges
22 against its principal on behalf of the Council upon the
23 vote of 7 members of the Council. The general
24 superintendent must approve those charges within 45
25 calendar days or provide a written reason for not approving
26 those charges. A written notice of those charges, including

1 specifications, shall be served upon the teacher or
2 principal within 10 business days of the approval of the
3 charges. Any written notice sent on or after July 1, 2012
4 shall also inform the teacher or principal of the right to
5 request a hearing before a mutually selected hearing
6 officer, with the cost of the hearing officer split equally
7 between the teacher or principal and the board, or a
8 hearing before a qualified hearing officer chosen by the
9 general superintendent, with the cost of the hearing
10 officer paid by the board. If the teacher or principal
11 cannot be found upon diligent inquiry, such charges may be
12 served upon him by mailing a copy thereof in a sealed
13 envelope by prepaid certified mail, return receipt
14 requested, to the teacher's or principal's last known
15 address. A return receipt showing delivery to such address
16 within 20 calendar days after the date of the approval of
17 the charges shall constitute proof of service.

18 (2) No hearing upon the charges is required unless the
19 teacher or principal within 17 calendar days after
20 receiving notice requests in writing of the general
21 superintendent that a hearing be scheduled. Pending the
22 hearing of the charges, the general superintendent or his
23 or her designee may suspend the teacher or principal
24 charged without pay in accordance with rules prescribed by
25 the board, provided that if the teacher or principal
26 charged is not dismissed based on the charges, he or she

1 must be made whole for lost earnings, less setoffs for
2 mitigation.

3 (3) The board shall maintain a list of at least 9
4 qualified hearing officers who will conduct hearings on
5 charges and specifications. The list must be developed in
6 good faith consultation with the exclusive representative
7 of the board's teachers and professional associations that
8 represent the board's principals. The list may be revised
9 on July 1st of each year or earlier as needed. To be a
10 qualified hearing officer, the person must (i) be
11 accredited by a national arbitration organization and have
12 had a minimum of 5 years of experience as an arbitrator in
13 cases involving labor and employment relations matters
14 between employers and employees or their exclusive
15 bargaining representatives and (ii) beginning September 1,
16 2012, have participated in training provided or approved by
17 the State Board of Education for teacher dismissal hearing
18 officers so that he or she is familiar with issues
19 generally involved in evaluative and non-evaluative
20 dismissals.

21 Within 5 business days after receiving the notice of
22 request for a hearing, the general superintendent and the
23 teacher or principal or their legal representatives shall
24 alternately strike one name from the list until only one
25 name remains. Unless waived by the teacher, the teacher or
26 principal shall have the right to proceed first with the

1 striking. If the teacher or principal fails to participate
2 in the striking process, the general superintendent shall
3 either select the hearing officer from the list developed
4 pursuant to this paragraph (3) or select another qualified
5 hearing officer from the master list maintained by the
6 State Board of Education pursuant to subsection (c) of
7 Section 24-12 of this Code.

8 (4) If the notice of dismissal was sent to the teacher
9 or principal before July 1, 2012, the fees and costs for
10 the hearing officer shall be paid by the State Board of
11 Education. If the notice of dismissal was sent to the
12 teacher or principal on or after July 1, 2012, the hearing
13 officer's fees and costs must be paid as follows in this
14 paragraph (4). The fees and permissible costs for the
15 hearing officer shall be determined by the State Board of
16 Education. If the hearing officer is mutually selected by
17 the parties through alternate striking in accordance with
18 paragraph (3) of this subsection (a), then the board and
19 the teacher or their legal representative shall each pay
20 50% of the fees and costs and any supplemental allowance to
21 which they agree. If the hearing officer is selected by the
22 general superintendent without the participation of the
23 teacher or principal, then the board shall pay 100% of the
24 hearing officer fees and costs. The hearing officer shall
25 submit for payment a billing statement to the parties that
26 itemizes the charges and expenses and divides them in

1 accordance with this Section.

2 (5) The teacher or the principal charged is required to
3 answer the charges and specifications and aver affirmative
4 matters in his or her defense, and the time for doing so
5 must be set by the hearing officer. The State Board of
6 Education shall adopt rules so that each party has a fair
7 opportunity to present its case and to ensure that the
8 dismissal proceeding is concluded in an expeditious
9 manner. The rules shall address, without limitation, the
10 teacher or principal's answer and affirmative defenses to
11 the charges and specifications; a requirement that each
12 party make mandatory disclosures without request to the
13 other party and then update the disclosure no later than 10
14 calendar days prior to the commencement of the hearing,
15 including a list of the names and addresses of persons who
16 may be called as witnesses at the hearing, a summary of the
17 facts or opinions each witness will testify to, and all
18 other documents and materials, including information
19 maintained electronically, relevant to its own as well as
20 the other party's case (the hearing officer may exclude
21 witnesses and exhibits not identified and shared, except
22 those offered in rebuttal for which the party could not
23 reasonably have anticipated prior to the hearing);
24 pre-hearing discovery and preparation, including provision
25 for written interrogatories and requests for production of
26 documents, provided that discovery depositions are

1 prohibited; the conduct of the hearing; the right of each
2 party to be represented by counsel, the offer of evidence
3 and witnesses and the cross-examination of witnesses; the
4 authority of the hearing officer to issue subpoenas and
5 subpoenas duces tecum, provided that the hearing officer
6 may limit the number of witnesses to be subpoenaed in
7 behalf of each party to no more than 7; the length of
8 post-hearing briefs; and the form, length, and content of
9 hearing officers' reports and recommendations to the
10 general superintendent.

11 The hearing officer shall commence the hearing within
12 75 calendar days and conclude the hearing within 120
13 calendar days after being selected by the parties as the
14 hearing officer, provided that these timelines may be
15 modified upon the showing of good cause or mutual agreement
16 of the parties. Good cause for the purposes of this
17 paragraph (5) shall mean the illness or otherwise
18 unavoidable emergency of the teacher, district
19 representative, their legal representatives, the hearing
20 officer, or an essential witness as indicated in each
21 party's pre-hearing submission. In a dismissal hearing in
22 which a witness is a student or is under the age of 18, the
23 hearing officer must make accommodations for the witness,
24 as provided under paragraph (5.5) of this subsection. The
25 ~~the~~ hearing officer shall consider and give weight to all
26 of the teacher's evaluations written pursuant to Article

1 24A that are relevant to the issues in the hearing. Except
2 as otherwise provided under paragraph (5.5) of this
3 subsection, the ~~The~~ teacher or principal has the privilege
4 of being present at the hearing with counsel and of
5 cross-examining witnesses and may offer evidence and
6 witnesses and present defenses to the charges. Each party
7 shall have no more than 3 days to present its case, unless
8 extended by the hearing officer to enable a party to
9 present adequate evidence and testimony, including due to
10 the other party's cross-examination of the party's
11 witnesses, for good cause or by mutual agreement of the
12 parties. The State Board of Education shall define in rules
13 the meaning of "day" for such purposes. All testimony at
14 the hearing shall be taken under oath administered by the
15 hearing officer. The hearing officer shall cause a record
16 of the proceedings to be kept and shall employ a competent
17 reporter to take stenographic or stenotype notes of all the
18 testimony. The costs of the reporter's attendance and
19 services at the hearing shall be paid by the party or
20 parties who are paying the fees and costs of the hearing
21 officer. Either party desiring a transcript of the hearing
22 shall pay for the cost thereof. At the close of the
23 hearing, the hearing officer shall direct the parties to
24 submit post-hearing briefs no later than 21 calendar days
25 after receipt of the transcript. Either or both parties may
26 waive submission of briefs.

1 (5.5) In the case of charges involving sexual abuse or
2 severe physical abuse of a student or a person under the
3 age of 18, the hearing officer shall make alternative
4 hearing procedures to protect a witness who is a student or
5 who is under the age of 18 from being intimidated or
6 traumatized. Alternative hearing procedures may include,
7 but are not limited to: (i) testimony made via a
8 telecommunication device in a location other than the
9 hearing room and outside the physical presence of the
10 teacher or principal and other hearing participants, (ii)
11 testimony outside the physical presence of the teacher or
12 principal, or (iii) non-public testimony. During a
13 testimony described under this subsection, each party must
14 be permitted to ask a witness who is a student or who is
15 under 18 years of age all relevant questions and follow-up
16 questions. All questions must exclude evidence of the
17 witness' sexual behavior or predisposition, unless the
18 evidence is offered to prove that someone other than the
19 teacher subject to the dismissal hearing engaged in the
20 charge at issue.

21 (6) The hearing officer shall within 30 calendar days
22 from the conclusion of the hearing report to the general
23 superintendent findings of fact and a recommendation as to
24 whether or not the teacher or principal shall be dismissed
25 and shall give a copy of the report to both the teacher or
26 principal and the general superintendent. The State Board

1 of Education shall provide by rule the form of the hearing
2 officer's report and recommendation.

3 (7) The board, within 45 days of receipt of the hearing
4 officer's findings of fact and recommendation, shall make a
5 decision as to whether the teacher or principal shall be
6 dismissed from its employ. The failure of the board to
7 strictly adhere to the timeliness contained herein shall
8 not render it without jurisdiction to dismiss the teacher
9 or principal. In the event that the board declines to
10 dismiss the teacher or principal after review of a hearing
11 officer's recommendation, the board shall set the amount of
12 back pay and benefits to award the teacher or principal,
13 which shall include offsets for interim earnings and
14 failure to mitigate losses. The board shall establish
15 procedures for the teacher's or principal's submission of
16 evidence to it regarding lost earnings, lost benefits,
17 mitigation, and offsets. The decision of the board is final
18 unless reviewed in accordance with paragraph (8) of this
19 subsection (a).

20 (8) The teacher may seek judicial review of the board's
21 decision in accordance with the Administrative Review Law,
22 which is specifically incorporated in this Section, except
23 that the review must be initiated in the Illinois Appellate
24 Court for the First District. In the event judicial review
25 is instituted, any costs of preparing and filing the record
26 of proceedings shall be paid by the party instituting the

1 review. In the event the appellate court reverses a board
2 decision to dismiss a teacher or principal and directs the
3 board to pay the teacher or the principal back pay and
4 benefits, the appellate court shall remand the matter to
5 the board to issue an administrative decision as to the
6 amount of back pay and benefits, which shall include a
7 calculation of the lost earnings, lost benefits,
8 mitigation, and offsets based on evidence submitted to the
9 board in accordance with procedures established by the
10 board.

11 (b) Nothing in this Section affects the validity of removal
12 for cause hearings commenced prior to June 13, 2011 (the
13 effective date of Public Act 97-8).

14 The changes made by Public Act 97-8 shall apply to
15 dismissals instituted on or after September 1, 2011 or the
16 effective date of Public Act 97-8, whichever is later. Any
17 dismissal instituted prior to the effective date of these
18 changes must be carried out in accordance with the requirements
19 of this Section prior to amendment by Public Act 97-8.

20 (Source: P.A. 99-78, eff. 7-20-15.)

21 Section 10. The Personnel Record Review Act is amended by
22 changing Sections 8 and 9 as follows:

23 (820 ILCS 40/8) (from Ch. 48, par. 2008)

24 Sec. 8. An employer shall review a personnel record before

1 releasing information to a third party and, except when the
2 release is ordered to a party in a legal action or arbitration,
3 delete disciplinary reports, letters of reprimand, or other
4 records of disciplinary action which are more than 4 years old.
5 This Section does not apply to a school district or an
6 authorized employee or agent of a school district who is
7 sharing information related to an incident or an attempted
8 incident of sexual abuse or severe physical abuse.

9 (Source: P.A. 83-1104.)

10 (820 ILCS 40/9) (from Ch. 48, par. 2009)

11 Sec. 9. An employer shall not gather or keep a record of an
12 employee's associations, political activities, publications,
13 communications or nonemployment activities, unless the
14 employee submits the information in writing or authorizes the
15 employer in writing to keep or gather the information. This
16 prohibition shall not apply to (i) activities or associations
17 with individuals or groups involved in the physical, sexual, or
18 other exploitation of a minor or (ii) the activities that occur
19 on the employer's premises or during the employee's working
20 hours with that employer which interfere with the performance
21 of the employee's duties or the duties of other employees or
22 activities, regardless of when and where occurring, which
23 constitute criminal conduct or may reasonably be expected to
24 harm the employer's property, operations or business, or could
25 by the employee's action cause the employer financial

1 liability. A record which is kept by the employer as permitted
2 under this Section shall be part of the personnel record.

3 (Source: P.A. 91-357, eff. 7-29-99.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."