



Rep. Michelle Mussman

Filed: 4/19/2021

10200HB1975ham001

LRB102 16364 CMG 25309 a

1 AMENDMENT TO HOUSE BILL 1975

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

4 "Section 1. This Act may be referred to as Faith's Law.

5 Section 5. The School Code is amended by adding Sections
6 2-3.182 and 22-85.5 and by changing Sections 21B-45 and 27A-5
7 as follows:

8 (105 ILCS 5/2-3.182 new)

9 Sec. 2-3.182. Resource guide.

10 (a) By July 1, 2022, the State Board of Education, in
11 consultation with relevant stakeholders, as needed, shall
12 develop and maintain a resource guide that shall be made
13 available on the State Board's Internet website. The resource
14 guide shall provide guidance for pupils, parents or guardians,
15 and teachers about sexual abuse response and prevention

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

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

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

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

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

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

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

1 information as necessary.

2 (105 ILCS 5/21B-45)

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

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

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

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

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

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

1 this Code, per fiscal year.

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

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

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

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

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

1 performance;

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

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

5 (5) higher education coursework.

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

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

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

26 (3) Any licensee with an administrative endorsement

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

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

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

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

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

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

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

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

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

26 (10) Individuals who hold exempt licenses prior to

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

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

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

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

26 (g) The following entities shall be designated as approved

1 to provide professional development activities for the renewal
2 of Professional Educator Licenses:

3 (1) The State Board of Education.

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

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

9 (A) school administrators;

10 (B) principals;

11 (C) school business officials;

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

14 (E) school boards;

15 (F) school districts;

16 (G) parents; and

17 (H) school service personnel.

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

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

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

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

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

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

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

17 (2) improve the learning of students;

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

20 (4) deepen educator's content knowledge;

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

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

26 (7) use learning strategies appropriate to the

1 intended goals;

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

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

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

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

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

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

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

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

1 learning or school improvement;

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

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

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

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

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

22 (1) (Blank).

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

1 impacted one or more of the following:

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

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

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

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

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

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

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

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

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

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

1 Board may hold an appeal hearing or may make its
2 determination based upon the record of review, which shall
3 consist of the following:

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

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

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

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

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

22 (Source: P.A. 100-13, eff. 7-1-17; 100-339, eff. 8-25-17;
23 100-596, eff. 7-1-18; 100-863, eff. 8-14-18; 101-85, eff.
24 1-1-20; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20.)

25 (105 ILCS 5/22-85.5 new)

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

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

3 (b) The General Assembly finds that:

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

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

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

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

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

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

26 (7) each school district, charter school, or

1 nonpublic, nonsectarian elementary or secondary school
2 must have the ability to know if any of its educators have
3 violated professional staff-student boundaries in previous
4 employment; and

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

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

19 (1) A sexual or romantic invitation.

20 (2) Dating or requesting or participating in a private
21 meeting outside of the employee's or agent's professional
22 role with a student, including meeting in person or
23 through electronic communication.

24 (3) Engaging in sexualized or romantic dialog.

25 (4) Making sexually suggestive comments that are
26 directed toward or with a student.

1 (5) Self-disclosure or physical exposure of a sexual,
2 romantic, or erotic nature.

3 (6) A sexual, indecent, romantic, or erotic contact
4 with the student.

5 (d) To prevent sexual misconduct with students, each
6 school district, charter school, or nonpublic, nonsectarian
7 elementary or secondary school shall develop an employee code
8 of professional conduct policy that addresses all of the
9 following:

10 (1) Incorporates the Code of Ethics for Illinois
11 Educators.

12 (2) Incorporates the definition of "sexual misconduct"
13 in this Section.

14 (3) Identifies the expectations for employees and
15 agents of the school district, charter school, or
16 nonpublic, nonsectarian elementary or secondary school
17 regarding how to maintain a professional relationship with
18 students, including the expectations for staff-student
19 boundaries, recognizing the age and developmental level of
20 the students served, and establishes guidelines for all of
21 the following situations:

22 (A) Transporting a student.

23 (B) Taking or possessing a photo or a video of a
24 student.

25 (C) Meeting with a student or contacting a student
26 outside of the employee's or agent's professional

1 role.

2 (4) References the employee reporting requirements
3 required under the Abused and Neglected Child Reporting
4 Act and under Title IX of the federal Education Amendments
5 of 1972.

6 (5) References required employee training that is
7 related to child abuse and educator ethics that are
8 applicable under State and federal law.

9 (e) The employee code of professional conduct policy must
10 be posted on the website, if any, of each school district,
11 charter school, or nonpublic, nonsectarian elementary or
12 secondary school and must be included in any staff, student,
13 or parent handbook provided by the school district, charter
14 school, or nonpublic, nonsectarian elementary or secondary
15 school.

16 (f) A violation of the employee code of professional
17 conduct policy may subject an employee to disciplinary action
18 up to and including dismissal from employment. Failure to
19 report a violation of the employee code of professional
20 conduct policy may subject an employee to disciplinary action
21 up to and including dismissal from employment.

22 (105 ILCS 5/27A-5)

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

24 (a) A charter school shall be a public, nonsectarian,
25 nonreligious, non-home based, and non-profit school. A charter

1 school shall be organized and operated as a nonprofit
2 corporation or other discrete, legal, nonprofit entity
3 authorized under the laws of the State of Illinois.

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

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

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

1 prior to April 1, 2013.

2 (c) A charter school shall be administered and governed by
3 its board of directors or other governing body in the manner
4 provided in its charter. The governing body of a charter
5 school shall be subject to the Freedom of Information Act and
6 the Open Meetings Act. No later than January 1, 2021 (one year
7 after the effective date of Public Act 101-291), a charter
8 school's board of directors or other governing body must
9 include at least one parent or guardian of a pupil currently
10 enrolled in the charter school who may be selected through the
11 charter school or a charter network election, appointment by
12 the charter school's board of directors or other governing
13 body, or by the charter school's Parent Teacher Organization
14 or its equivalent.

15 (c-5) No later than January 1, 2021 (one year after the
16 effective date of Public Act 101-291) or within the first year
17 of his or her first term, every voting member of a charter
18 school's board of directors or other governing body shall
19 complete a minimum of 4 hours of professional development
20 leadership training to ensure that each member has sufficient
21 familiarity with the board's or governing body's role and
22 responsibilities, including financial oversight and
23 accountability of the school, evaluating the principal's and
24 school's performance, adherence to the Freedom of Information
25 Act and the Open Meetings Act, and compliance with education
26 and labor law. In each subsequent year of his or her term, a

1 voting member of a charter school's board of directors or
2 other governing body shall complete a minimum of 2 hours of
3 professional development training in these same areas. The
4 training under this subsection may be provided or certified by
5 a statewide charter school membership association or may be
6 provided or certified by other qualified providers approved by
7 the State Board of Education.

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

20 A charter school shall comply with all non-curricular
21 health and safety requirements applicable to public schools
22 under the laws of the State of Illinois. On or before September
23 1, 2015, the State Board shall promulgate and post on its
24 Internet website a list of non-curricular health and safety
25 requirements that a charter school must meet. The list shall
26 be updated annually no later than September 1. Any charter

1 contract between a charter school and its authorizer must
2 contain a provision that requires the charter school to follow
3 the list of all non-curricular health and safety requirements
4 promulgated by the State Board and any non-curricular health
5 and safety requirements added by the State Board to such list
6 during the term of the charter. Nothing in this subsection (d)
7 precludes an authorizer from including non-curricular health
8 and safety requirements in a charter school contract that are
9 not contained in the list promulgated by the State Board,
10 including non-curricular health and safety requirements of the
11 authorizing local school board.

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

16 (f) A charter school shall be responsible for the
17 management and operation of its fiscal affairs including, but
18 not limited to, the preparation of its budget. An audit of each
19 charter school's finances shall be conducted annually by an
20 outside, independent contractor retained by the charter
21 school. To ensure financial accountability for the use of
22 public funds, on or before December 1 of every year of
23 operation, each charter school shall submit to its authorizer
24 and the State Board a copy of its audit and a copy of the Form
25 990 the charter school filed that year with the federal
26 Internal Revenue Service. In addition, if deemed necessary for

1 proper financial oversight of the charter school, an
2 authorizer may require quarterly financial statements from
3 each charter school.

4 (g) A charter school shall comply with all provisions of
5 this Article, the Illinois Educational Labor Relations Act,
6 all federal and State laws and rules applicable to public
7 schools that pertain to special education and the instruction
8 of English learners, and its charter. A charter school is
9 exempt from all other State laws and regulations in this Code
10 governing public schools and local school board policies;
11 however, a charter school is not exempt from the following:

12 (1) Sections 10-21.9 and 34-18.5 of this Code
13 regarding criminal history records checks and checks of
14 the Statewide Sex Offender Database and Statewide Murderer
15 and Violent Offender Against Youth Database of applicants
16 for employment;

17 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
18 34-84a of this Code regarding discipline of students;

19 (3) the Local Governmental and Governmental Employees
20 Tort Immunity Act;

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

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

25 (5.5) subsection (b) of Section 10-23.12 and
26 subsection (b) of Section 34-18.6 of this Code;

- 1 (6) the Illinois School Student Records Act;
- 2 (7) Section 10-17a of this Code regarding school
3 report cards;
- 4 (8) the P-20 Longitudinal Education Data System Act;
- 5 (9) Section 27-23.7 of this Code regarding bullying
6 prevention;
- 7 (10) Section 2-3.162 of this Code regarding student
8 discipline reporting;
- 9 (11) Sections 22-80 and 27-8.1 of this Code;
- 10 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 11 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 12 (14) Section 26-18 of this Code;
- 13 (15) Section 22-30 of this Code;
- 14 (16) Sections 24-12 and 34-85 of this Code;
- 15 (17) the Seizure Smart School Act; ~~and~~
- 16 (18) Section 2-3.64a-10 of this Code; ~~and~~
- 17 (19) Section 2-3.182 of this Code; and
- 18 (20) Section 22-85.5 of this Code.

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

21 (h) A charter school may negotiate and contract with a
22 school district, the governing body of a State college or
23 university or public community college, or any other public or
24 for-profit or nonprofit private entity for: (i) the use of a
25 school building and grounds or any other real property or
26 facilities that the charter school desires to use or convert

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

21 (i) In no event shall a charter school that is established
22 by converting an existing school or attendance center to
23 charter school status be required to pay rent for space that is
24 deemed available, as negotiated and provided in the charter
25 agreement, in school district facilities. However, all other
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be
2 subject to negotiation between the charter school and the
3 local school board and shall be set forth in the charter.

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

6 (k) If the charter school is approved by the State Board or
7 Commission, then the charter school is its own local education
8 agency.

9 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
10 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
11 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
12 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
13 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
14 3-8-21.)

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

17 (325 ILCS 5/3) (from Ch. 23, par. 2053)

18 Sec. 3. As used in this Act unless the context otherwise
19 requires:

20 "Adult resident" means any person between 18 and 22 years
21 of age who resides in any facility licensed by the Department
22 under the Child Care Act of 1969. For purposes of this Act, the
23 criteria set forth in the definitions of "abused child" and
24 "neglected child" shall be used in determining whether an

1 adult resident is abused or neglected.

2 "Agency" means a child care facility licensed under
3 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
4 includes a transitional living program that accepts children
5 and adult residents for placement who are in the guardianship
6 of the Department.

7 "Blatant disregard" means an incident where the real,
8 significant, and imminent risk of harm would be so obvious to a
9 reasonable parent or caretaker that it is unlikely that a
10 reasonable parent or caretaker would have exposed the child to
11 the danger without exercising precautionary measures to
12 protect the child from harm. With respect to a person working
13 at an agency in his or her professional capacity with a child
14 or adult resident, "blatant disregard" includes a failure by
15 the person to perform job responsibilities intended to protect
16 the child's or adult resident's health, physical well-being,
17 or welfare, and, when viewed in light of the surrounding
18 circumstances, evidence exists that would cause a reasonable
19 person to believe that the child was neglected. With respect
20 to an agency, "blatant disregard" includes a failure to
21 implement practices that ensure the health, physical
22 well-being, or welfare of the children and adult residents
23 residing in the facility.

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

1 "Department" means Department of Children and Family
2 Services.

3 "Local law enforcement agency" means the police of a city,
4 town, village or other incorporated area or the sheriff of an
5 unincorporated area or any sworn officer of the Illinois
6 Department of State Police.

7 "Abused child" means a child whose parent or immediate
8 family member, or any person responsible for the child's
9 welfare, or any individual residing in the same home as the
10 child, or a paramour of the child's parent:

11 (a) inflicts, causes to be inflicted, or allows to be
12 inflicted upon such child physical injury, by other than
13 accidental means, which causes death, disfigurement,
14 impairment of physical or emotional health, or loss or
15 impairment of any bodily function;

16 (b) creates a substantial risk of physical injury to
17 such child by other than accidental means which would be
18 likely to cause death, disfigurement, impairment of
19 physical or emotional health, or loss or impairment of any
20 bodily function;

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

26 (d) commits or allows to be committed an act or acts of

1 torture upon such child;

2 (e) inflicts excessive corporal punishment or, in the
3 case of a person working for an agency who is prohibited
4 from using corporal punishment, inflicts corporal
5 punishment upon a child or adult resident with whom the
6 person is working in his or her professional capacity;

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

10 (g) causes to be sold, transferred, distributed, or
11 given to such child under 18 years of age, a controlled
12 substance as defined in Section 102 of the Illinois
13 Controlled Substances Act in violation of Article IV of
14 the Illinois Controlled Substances Act or in violation of
15 the Methamphetamine Control and Community Protection Act,
16 except for controlled substances that are prescribed in
17 accordance with Article III of the Illinois Controlled
18 Substances Act and are dispensed to such child in a manner
19 that substantially complies with the prescription; ~~or~~

20 (h) commits or allows to be committed the offense of
21 involuntary servitude, involuntary sexual servitude of a
22 minor, or trafficking in persons as defined in Section
23 10-9 of the Criminal Code of 2012 against the child; or

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

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

4 "Neglected child" means any child who is not receiving the
5 proper or necessary nourishment or medically indicated
6 treatment including food or care not provided solely on the
7 basis of the present or anticipated mental or physical
8 impairment as determined by a physician acting alone or in
9 consultation with other physicians or otherwise is not
10 receiving the proper or necessary support or medical or other
11 remedial care recognized under State law as necessary for a
12 child's well-being, or other care necessary for his or her
13 well-being, including adequate food, clothing and shelter; or
14 who is subjected to an environment which is injurious insofar
15 as (i) the child's environment creates a likelihood of harm to
16 the child's health, physical well-being, or welfare and (ii)
17 the likely harm to the child is the result of a blatant
18 disregard of parent, caretaker, or agency responsibilities; or
19 who is abandoned by his or her parents or other person
20 responsible for the child's welfare without a proper plan of
21 care; or who has been provided with interim crisis
22 intervention services under Section 3-5 of the Juvenile Court
23 Act of 1987 and whose parent, guardian, or custodian refuses
24 to permit the child to return home and no other living
25 arrangement agreeable to the parent, guardian, or custodian
26 can be made, and the parent, guardian, or custodian has not

1 made any other appropriate living arrangement for the child;
2 or who is a newborn infant whose blood, urine, or meconium
3 contains any amount of a controlled substance as defined in
4 subsection (f) of Section 102 of the Illinois Controlled
5 Substances Act or a metabolite thereof, with the exception of
6 a controlled substance or metabolite thereof whose presence in
7 the newborn infant is the result of medical treatment
8 administered to the mother or the newborn infant. A child
9 shall not be considered neglected for the sole reason that the
10 child's parent or other person responsible for his or her
11 welfare has left the child in the care of an adult relative for
12 any period of time. A child shall not be considered neglected
13 for the sole reason that the child has been relinquished in
14 accordance with the Abandoned Newborn Infant Protection Act. A
15 child shall not be considered neglected or abused for the sole
16 reason that such child's parent or other person responsible
17 for his or her welfare depends upon spiritual means through
18 prayer alone for the treatment or cure of disease or remedial
19 care as provided under Section 4 of this Act. A child shall not
20 be considered neglected or abused solely because the child is
21 not attending school in accordance with the requirements of
22 Article 26 of The School Code, as amended.

23 "Child Protective Service Unit" means certain specialized
24 State employees of the Department assigned by the Director to
25 perform the duties and responsibilities as provided under
26 Section 7.2 of this Act.

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

6 "Great bodily harm" includes bodily injury which creates a
7 high probability of death, or which causes serious permanent
8 disfigurement, or which causes a permanent or protracted loss
9 or impairment of the function of any bodily member or organ, or
10 other serious bodily harm.

11 "Person responsible for the child's welfare" means the
12 child's parent; guardian; foster parent; relative caregiver;
13 any person responsible for the child's welfare in a public or
14 private residential agency or institution; any person
15 responsible for the child's welfare within a public or private
16 profit or not for profit child care facility; or any other
17 person responsible for the child's welfare at the time of the
18 alleged abuse or neglect, including any person that is the
19 custodian of a child under 18 years of age who commits or
20 allows to be committed, against the child, the offense of
21 involuntary servitude, involuntary sexual servitude of a
22 minor, or trafficking in persons for forced labor or services,
23 as provided in Section 10-9 of the Criminal Code of 2012, or
24 any person who came to know the child through an official
25 capacity or position of trust, including but not limited to
26 health care professionals, educational personnel, recreational

1 supervisors, members of the clergy, and volunteers or support
2 personnel in any setting where children may be subject to
3 abuse or neglect.

4 "Temporary protective custody" means custody within a
5 hospital or other medical facility or a place previously
6 designated for such custody by the Department, subject to
7 review by the Court, including a licensed foster home, group
8 home, or other institution; but such place shall not be a jail
9 or other place for the detention of criminal or juvenile
10 offenders.

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

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

17 "An undetermined report" means any report made under this
18 Act in which it was not possible to initiate or complete an
19 investigation on the basis of information provided to the
20 Department.

21 "Subject of report" means any child reported to the
22 central register of child abuse and neglect established under
23 Section 7.7 of this Act as an alleged victim of child abuse or
24 neglect and the parent or guardian of the alleged victim or
25 other person responsible for the alleged victim's welfare who
26 is named in the report or added to the report as an alleged

1 perpetrator of child abuse or neglect.

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

5 "Member of the clergy" means a clergyman or practitioner
6 of any religious denomination accredited by the religious body
7 to which he or she belongs.

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

9 Section 15. The Criminal Code of 2012 is amended by
10 changing Sections 11-1.20, 11-1.60, and 11-25 as follows:

11 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

12 Sec. 11-1.20. Criminal sexual assault.

13 (a) A person commits criminal sexual assault if that
14 person commits an act of sexual penetration and:

15 (1) uses force or threat of force;

16 (2) knows that the victim is unable to understand the
17 nature of the act or is unable to give knowing consent;

18 (3) is a family member of the victim, and the victim is
19 under 18 years of age; ~~or~~

20 (4) is 17 years of age or over and holds a position of
21 trust, authority, or supervision in relation to the
22 victim, and the victim is at least 13 years of age but
23 under 18 years of age; or.

24 (5) the victim is enrolled as a student at a public or

1 nonpublic secondary school and the accused held a position
2 of trust, authority, or supervision in relation to the
3 victim in connection with an educational or
4 extracurricular program or activity, regardless of the
5 location of the commission of the act.

6 (b) Sentence.

7 (1) Criminal sexual assault is a Class 1 felony,
8 except that:

9 (A) A person who is convicted of the offense of
10 criminal sexual assault as defined in paragraph (a) (1)
11 or (a) (2) after having previously been convicted of
12 the offense of criminal sexual assault or the offense
13 of exploitation of a child, or who is convicted of the
14 offense of criminal sexual assault as defined in
15 paragraph (a) (1) or (a) (2) after having previously
16 been convicted under the laws of this State or any
17 other state of an offense that is substantially
18 equivalent to the offense of criminal sexual assault
19 or to the offense of exploitation of a child, commits a
20 Class X felony for which the person shall be sentenced
21 to a term of imprisonment of not less than 30 years and
22 not more than 60 years, except that if the person is
23 under the age of 18 years at the time of the offense,
24 he or she shall be sentenced under Section 5-4.5-105
25 of the Unified Code of Corrections. The commission of
26 the second or subsequent offense is required to have

1 been after the initial conviction for this paragraph
2 (A) to apply.

3 (B) A person who has attained the age of 18 years
4 at the time of the commission of the offense and who is
5 convicted of the offense of criminal sexual assault as
6 defined in paragraph (a)(1) or (a)(2) after having
7 previously been convicted of the offense of aggravated
8 criminal sexual assault or the offense of predatory
9 criminal sexual assault of a child, or who is
10 convicted of the offense of criminal sexual assault as
11 defined in paragraph (a)(1) or (a)(2) after having
12 previously been convicted under the laws of this State
13 or any other state of an offense that is substantially
14 equivalent to the offense of aggravated criminal
15 sexual assault or the offense of predatory criminal
16 sexual assault of a child shall be sentenced to a term
17 of natural life imprisonment. The commission of the
18 second or subsequent offense is required to have been
19 after the initial conviction for this paragraph (B) to
20 apply. An offender under the age of 18 years at the
21 time of the commission of the offense covered by this
22 subparagraph (B) shall be sentenced under Section
23 5-4.5-105 of the Unified Code of Corrections.

24 (C) A second or subsequent conviction for a
25 violation of paragraph (a)(3), ~~or~~ (a)(4), or (a)(5) or
26 under any similar statute of this State or any other

1 state for any offense involving criminal sexual
2 assault that is substantially equivalent to or more
3 serious than the sexual assault prohibited under
4 paragraph (a) (3), ~~or~~ (a) (4), or (a) (5) is a Class X
5 felony.

6 (Source: P.A. 99-69, eff. 1-1-16.)

7 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

8 Sec. 11-1.60. Aggravated criminal sexual abuse.

9 (a) A person commits aggravated criminal sexual abuse if
10 that person commits criminal sexual abuse and any of the
11 following aggravating circumstances exist (i) during the
12 commission of the offense or (ii) for purposes of paragraph
13 (7), as part of the same course of conduct as the commission of
14 the offense:

15 (1) the person displays, threatens to use, or uses a
16 dangerous weapon or any other object fashioned or used in
17 a manner that leads the victim, under the circumstances,
18 reasonably to believe that the object is a dangerous
19 weapon;

20 (2) the person causes bodily harm to the victim;

21 (3) the victim is 60 years of age or older;

22 (4) the victim is a person with a physical disability;

23 (5) the person acts in a manner that threatens or
24 endangers the life of the victim or any other person;

25 (6) the person commits the criminal sexual abuse

1 during the course of committing or attempting to commit
2 any other felony; or

3 (7) the person delivers (by injection, inhalation,
4 ingestion, transfer of possession, or any other means) any
5 controlled substance to the victim for other than medical
6 purposes without the victim's consent or by threat or
7 deception.

8 (b) A person commits aggravated criminal sexual abuse if
9 that person commits an act of sexual conduct with a victim who
10 is under 18 years of age and the person is a family member.

11 (c) A person commits aggravated criminal sexual abuse if:

12 (1) that person is 17 years of age or over and: (i)
13 commits an act of sexual conduct with a victim who is under
14 13 years of age; or (ii) commits an act of sexual conduct
15 with a victim who is at least 13 years of age but under 17
16 years of age and the person uses force or threat of force
17 to commit the act; or

18 (2) that person is under 17 years of age and: (i)
19 commits an act of sexual conduct with a victim who is under
20 9 years of age; or (ii) commits an act of sexual conduct
21 with a victim who is at least 9 years of age but under 17
22 years of age and the person uses force or threat of force
23 to commit the act.

24 (d) A person commits aggravated criminal sexual abuse if
25 that person commits an act of sexual penetration or sexual
26 conduct with a victim who is at least 13 years of age but under

1 17 years of age and the person is at least 5 years older than
2 the victim.

3 (e) A person commits aggravated criminal sexual abuse if
4 that person commits an act of sexual conduct with a victim who
5 is a person with a severe or profound intellectual disability.

6 (f) A person commits aggravated criminal sexual abuse if
7 that person commits an act of sexual conduct with a victim who
8 is at least 13 years of age but under 18 years of age and the
9 person is 17 years of age or over and holds a position of
10 trust, authority, or supervision in relation to the victim.

11 (f-5) A person commits aggravated criminal sexual abuse if
12 that person commits an act of sexual conduct with a victim who
13 is enrolled as a student at a public or nonpublic secondary
14 school and the accused held a position of trust, authority, or
15 supervision in relation to the victim in connection with an
16 educational or extracurricular program or activity, regardless
17 of the location of the commission of the act.

18 (g) Sentence. Aggravated criminal sexual abuse is a Class
19 2 felony.

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 (720 ILCS 5/11-25)

22 Sec. 11-25. Grooming.

23 (a) A person commits grooming when he or she knowingly
24 uses a computer on-line service, Internet service, local
25 bulletin board service, or any other device capable of

1 electronic data storage or transmission or performs an act in
2 person or by conduct through a third party to seduce, solicit,
3 lure, or entice, or attempt to seduce, solicit, lure, or
4 entice, a child, a child's guardian, or another person
5 believed by the person to be a child or a child's guardian, to
6 commit any sex offense as defined in Section 2 of the Sex
7 Offender Registration Act, to distribute photographs depicting
8 the sex organs of the child, or to otherwise engage in any
9 unlawful sexual conduct with a child or with another person
10 believed by the person to be a child. As used in this Section,
11 "child" means a person under 17 years of age.

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

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law, except that Section 5 takes effect on July 1,
16 2022."