

1 AN ACT concerning children.

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

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

5 Section 5. The School Code is amended by adding Sections
6 2-3.188 and 22-85.5 and by changing Sections 21B-45 and 27A-5
7 as follows:

8 (105 ILCS 5/2-3.188 new)

9 Sec. 2-3.188. Resource guide.

10 (a) By July 1, 2023, 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
16 resources available in their community. The resource guide
17 shall, at a minimum, provide all of the following information:

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

21 (2) Contact information and a list of the services
22 offered by organizations that provide medical evaluations

1 and treatment to victims of child sexual abuse.

2 (3) Contact information and a list of the services
3 offered by organizations that provide mental health
4 evaluations and services to victims and the families of
5 victims of child sexual abuse.

6 (4) Contact information of organizations that offer
7 legal assistance to and provide advocacy on behalf of
8 victims of child sexual abuse.

9 (b) At the beginning of the school year, each school
10 district, charter school, or nonpublic school shall notify the
11 parents or guardians of enrolled students of the availability
12 of the resource guide. Each school district, charter school,
13 or nonpublic school shall furnish the resource guide to a
14 student's parent or guardian at the request of the parent or
15 guardian and may also make the resource guide available on its
16 Internet website.

17 (c) The State Board of Education shall periodically review
18 the information contained in the resource guide and update the
19 information as necessary.

20 (105 ILCS 5/21B-45)

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

22 (a) Individuals holding a Professional Educator License
23 are required to complete the licensure renewal requirements as
24 specified in this Section, unless otherwise provided in this
25 Code.

1 Individuals holding a Professional Educator License shall
2 meet the renewal requirements set forth in this Section,
3 unless otherwise provided in this Code. If an individual holds
4 a license endorsed in more than one area that has different
5 renewal requirements, that individual shall follow the renewal
6 requirements for the position for which he or she spends the
7 majority of his or her time working.

8 (b) All Professional Educator Licenses not renewed as
9 provided in this Section shall lapse on September 1 of that
10 year. Notwithstanding any other provisions of this Section, if
11 a license holder's electronic mail address is available, the
12 State Board of Education shall send him or her notification
13 electronically that his or her license will lapse if not
14 renewed, to be sent no more than 6 months prior to the license
15 lapsing. Lapsed licenses may be immediately reinstated upon
16 (i) payment by the applicant of a \$500 penalty to the State
17 Board of Education or (ii) the demonstration of proficiency by
18 completing 9 semester hours of coursework from a regionally
19 accredited institution of higher education in the content area
20 that most aligns with one or more of the educator's
21 endorsement areas. Any and all back fees, including without
22 limitation registration fees owed from the time of expiration
23 of the license until the date of reinstatement, shall be paid
24 and kept in accordance with the provisions in Article 3 of this
25 Code concerning an institute fund and the provisions in
26 Article 21B of this Code concerning fees and requirements for

1 registration. Licenses not registered in accordance with
2 Section 21B-40 of this Code shall lapse after a period of 6
3 months from the expiration of the last year of registration or
4 on January 1 of the fiscal year following initial issuance of
5 the license. An unregistered license is invalid after
6 September 1 for employment and performance of services in an
7 Illinois public or State-operated school or cooperative and in
8 a charter school. Any license or endorsement may be
9 voluntarily surrendered by the license holder. A voluntarily
10 surrendered license shall be treated as a revoked license. An
11 Educator License with Stipulations with only a
12 paraprofessional endorsement does not lapse.

13 (c) From July 1, 2013 through June 30, 2014, in order to
14 satisfy the requirements for licensure renewal provided for in
15 this Section, each professional educator licensee with an
16 administrative endorsement who is working in a position
17 requiring such endorsement shall complete one Illinois
18 Administrators' Academy course, as described in Article 2 of
19 this Code, per fiscal year.

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

24 (d) Beginning July 1, 2014, in order to satisfy the
25 requirements for licensure renewal provided for in this
26 Section, each professional educator licensee may create a

1 professional development plan each year. The plan shall
2 address one or more of the endorsements that are required of
3 his or her educator position if the licensee is employed and
4 performing services in an Illinois public or State-operated
5 school or cooperative. If the licensee is employed in a
6 charter school, the plan shall address that endorsement or
7 those endorsements most closely related to his or her educator
8 position. Licensees employed and performing services in any
9 other Illinois schools may participate in the renewal
10 requirements by adhering to the same process.

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

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

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

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

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

23 (5) higher education coursework.

24 (e) For each renewal cycle, each professional educator
25 licensee shall engage in professional development activities.
26 Prior to renewal, the licensee shall enter electronically into

1 the Educator Licensure Information System (ELIS) the name,
2 date, and location of the activity, the number of professional
3 development hours, and the provider's name. The following
4 provisions shall apply concerning professional development
5 activities:

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

10 (2) Beginning with his or her first full 5-year cycle,
11 any licensee with an administrative endorsement who is not
12 working in a position requiring such endorsement is not
13 required to complete Illinois Administrators' Academy
14 courses, as described in Article 2 of this Code. Such
15 licensees must complete one Illinois Administrators'
16 Academy course within one year after returning to a
17 position that requires the administrative endorsement.

18 (3) Any licensee with an administrative endorsement
19 who is working in a position requiring such endorsement or
20 an individual with a Teacher Leader endorsement serving in
21 an administrative capacity at least 50% of the day shall
22 complete one Illinois Administrators' Academy course, as
23 described in Article 2 of this Code, each fiscal year in
24 addition to 100 hours of professional development per
25 5-year renewal cycle in accordance with this Code.

26 (4) Any licensee holding a current National Board for

1 Professional Teaching Standards (NBPTS) master teacher
2 designation shall complete a total of 60 hours of
3 professional development per 5-year renewal cycle in order
4 to renew the license.

5 (5) Licensees working in a position that does not
6 require educator licensure or working in a position for
7 less than 50% for any particular year are considered to be
8 exempt and shall be required to pay only the registration
9 fee in order to renew and maintain the validity of the
10 license.

11 (6) Licensees who are retired and qualify for benefits
12 from a State of Illinois retirement system shall notify
13 the State Board of Education using ELIS, and the license
14 shall be maintained in retired status. For any renewal
15 cycle in which a licensee retires during the renewal
16 cycle, the licensee must complete professional development
17 activities on a prorated basis depending on the number of
18 years during the renewal cycle the educator held an active
19 license. If a licensee retires during a renewal cycle, the
20 licensee must notify the State Board of Education using
21 ELIS that the licensee wishes to maintain the license in
22 retired status and must show proof of completion of
23 professional development activities on a prorated basis
24 for all years of that renewal cycle for which the license
25 was active. An individual with a license in retired status
26 shall not be required to complete professional development

1 activities or pay registration fees until returning to a
2 position that requires educator licensure. Upon returning
3 to work in a position that requires the Professional
4 Educator License, the licensee shall immediately pay a
5 registration fee and complete renewal requirements for
6 that year. A license in retired status cannot lapse.
7 Beginning on January 6, 2017 (the effective date of Public
8 Act 99-920) through December 31, 2017, any licensee who
9 has retired and whose license has lapsed for failure to
10 renew as provided in this Section may reinstate that
11 license and maintain it in retired status upon providing
12 proof to the State Board of Education using ELIS that the
13 licensee is retired and is not working in a position that
14 requires a Professional Educator License.

15 (7) For any renewal cycle in which professional
16 development hours were required, but not fulfilled, the
17 licensee shall complete any missed hours to total the
18 minimum professional development hours required in this
19 Section prior to September 1 of that year. Professional
20 development hours used to fulfill the minimum required
21 hours for a renewal cycle may be used for only one renewal
22 cycle. For any fiscal year or renewal cycle in which an
23 Illinois Administrators' Academy course was required but
24 not completed, the licensee shall complete any missed
25 Illinois Administrators' Academy courses prior to
26 September 1 of that year. The licensee may complete all

1 deficient hours and Illinois Administrators' Academy
2 courses while continuing to work in a position that
3 requires that license until September 1 of that year.

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

10 (9) If professional development opportunities were
11 unavailable to a licensee, proof that opportunities were
12 unavailable and request for an extension of time beyond
13 August 31 to complete the renewal requirements may be
14 submitted from April 1 through June 30 of that year to the
15 State Educator Preparation and Licensure Board. If an
16 extension is approved, the license shall remain valid
17 during the extension period.

18 (10) Individuals who hold exempt licenses prior to
19 December 27, 2013 (the effective date of Public Act
20 98-610) shall commence the annual renewal process with the
21 first scheduled registration due after December 27, 2013
22 (the effective date of Public Act 98-610).

23 (11) Notwithstanding any other provision of this
24 subsection (e), if a licensee earns more than the required
25 number of professional development hours during a renewal
26 cycle, then the licensee may carry over any hours earned

1 from April 1 through June 30 of the last year of the
2 renewal cycle. Any hours carried over in this manner must
3 be applied to the next renewal cycle. Illinois
4 Administrators' Academy courses or hours earned in those
5 courses may not be carried over.

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

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

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

21 (1) The State Board of Education.

22 (2) Regional offices of education and intermediate
23 service centers.

24 (3) Illinois professional associations representing
25 the following groups that are approved by the State
26 Superintendent of Education:

- 1 (A) school administrators;
2 (B) principals;
3 (C) school business officials;
4 (D) teachers, including special education
5 teachers;
6 (E) school boards;
7 (F) school districts;
8 (G) parents; and
9 (H) school service personnel.

10 (4) Regionally accredited institutions of higher
11 education that offer Illinois-approved educator
12 preparation programs and public community colleges subject
13 to the Public Community College Act.

14 (5) Illinois public school districts, charter schools
15 authorized under Article 27A of this Code, and joint
16 educational programs authorized under Article 10 of this
17 Code for the purposes of providing career and technical
18 education or special education services.

19 (6) A not-for-profit organization that, as of December
20 31, 2014 (the effective date of Public Act 98-1147), has
21 had or has a grant from or a contract with the State Board
22 of Education to provide professional development services
23 in the area of English Learning to Illinois school
24 districts, teachers, or administrators.

25 (7) State agencies, State boards, and State
26 commissions.

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

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

6 (1) increase the knowledge and skills of school and
7 district leaders who guide continuous professional
8 development;

9 (2) improve the learning of students;

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

12 (4) deepen educator's content knowledge;

13 (5) provide educators with research-based
14 instructional strategies to assist students in meeting
15 rigorous academic standards;

16 (6) prepare educators to appropriately use various
17 types of classroom assessments;

18 (7) use learning strategies appropriate to the
19 intended goals;

20 (8) provide educators with the knowledge and skills to
21 collaborate;

22 (9) prepare educators to apply research to decision
23 making; ~~or~~

24 (10) provide educators with training on inclusive
25 practices in the classroom that examines instructional and
26 behavioral strategies that improve academic and

1 social-emotional outcomes for all students, with or
2 without disabilities, in a general education setting; ~~or-~~

3 (11) beginning on July 1, 2022, provide educators with
4 training on the physical and mental health needs of
5 students, student safety, educator ethics, professional
6 conduct, and other topics that address the well-being of
7 students and improve the academic and social-emotional
8 outcomes of students.

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

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

14 (2) meet the professional development criteria for
15 Illinois licensure renewal;

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

20 (4) maintain original documentation for completion of
21 activities;

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

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

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

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

14 (1) (Blank).

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

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

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

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

26 (3) The State Superintendent of Education shall review

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

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

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

1 development requirements for the renewal of a Professional
2 Educator License provided for in this Section.

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

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

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

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

25 (B) any evidence submitted to the State
26 Superintendent along with the individual's electronic

1 statement of assurance for renewal; and

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

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

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

14 (Source: P.A. 100-13, eff. 7-1-17; 100-339, eff. 8-25-17;
15 100-596, eff. 7-1-18; 100-863, eff. 8-14-18; 101-85, eff.
16 1-1-20; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20.)

17 (105 ILCS 5/22-85.5 new)

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

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

20 (b) The General Assembly finds that:

21 (1) the success of students in school relies on safe
22 learning environments and healthy relationships with
23 school personnel;

24 (2) it is important for staff to maintain a
25 professional relationship with students at all times and

1 to define staff-student boundaries to protect students
2 from sexual misconduct by staff and staff from the
3 appearance of impropriety;

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

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

9 (5) it is necessary to uphold the State Board of
10 Education's Code of Ethics for Illinois Educators and for
11 each school district, charter school, or nonpublic school
12 to have an employee code of professional conduct policy;

13 (6) each school district, charter school, or nonpublic
14 school must have the ability to discipline educators for
15 breaches of its employee code of professional conduct
16 policy;

17 (7) each school district, charter school, or nonpublic
18 school must have the ability to know if any of its
19 educators have violated professional staff-student
20 boundaries in previous employment; and

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

26 (c) In this Section, "sexual misconduct" means any act,

1 including, but not limited to, any verbal, nonverbal, written,
2 or electronic communication or physical activity, by an
3 employee or agent of the school district, charter school, or
4 nonpublic school with direct contact with a student that is
5 directed toward or with a student to establish a romantic or
6 sexual relationship with the student. Such an act includes,
7 but is not limited to, any of the following:

8 (1) A sexual or romantic invitation.

9 (2) Dating or soliciting a date.

10 (3) Engaging in sexualized or romantic dialog.

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

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

15 (6) A sexual, indecent, romantic, or erotic contact
16 with the student.

17 (d) To prevent sexual misconduct with students, each
18 school district, charter school, or nonpublic school shall
19 develop an employee code of professional conduct policy that
20 addresses all of the following:

21 (1) Incorporates the Code of Ethics for Illinois
22 Educators.

23 (2) Incorporates the definition of "sexual misconduct"
24 in this Section.

25 (3) Identifies the expectations for employees and
26 agents of the school district, charter school, or

1 nonpublic school regarding how to maintain a professional
2 relationship with students, including the expectations for
3 staff-student boundaries, recognizing the age and
4 developmental level of the students served, and
5 establishes guidelines for all of the following
6 situations:

7 (A) Transporting a student.

8 (B) Taking or possessing a photo or a video of a
9 student.

10 (C) Meeting with a student or contacting a student
11 outside of the employee's or agent's professional
12 role.

13 (4) References the employee reporting requirements
14 required under the Abused and Neglected Child Reporting
15 Act and under Title IX of the federal Education Amendments
16 of 1972.

17 (5) References required employee training that is
18 related to child abuse and educator ethics that are
19 applicable under State and federal law.

20 (e) The employee code of professional conduct policy must
21 be posted on the website, if any, of each school district,
22 charter school, or nonpublic school and must be included in
23 any staff, student, or parent handbook provided by the school
24 district, charter school, or nonpublic, nonsectarian
25 elementary or secondary school.

26 (f) A violation of the employee code of professional

1 conduct policy may subject an employee to disciplinary action
2 up to and including dismissal from employment. Failure to
3 report a violation of the employee code of professional
4 conduct policy may subject an employee to disciplinary action
5 up to and including dismissal from employment.

6 (105 ILCS 5/27A-5)

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

8 (a) A charter school shall be a public, nonsectarian,
9 nonreligious, non-home based, and non-profit school. A charter
10 school shall be organized and operated as a nonprofit
11 corporation or other discrete, legal, nonprofit entity
12 authorized under the laws of the State of Illinois.

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status.
16 Beginning on April 16, 2003 (the effective date of Public Act
17 93-3), in all new applications to establish a charter school
18 in a city having a population exceeding 500,000, operation of
19 the charter school shall be limited to one campus. The changes
20 made to this Section by Public Act 93-3 do not apply to charter
21 schools existing or approved on or before April 16, 2003 (the
22 effective date of Public Act 93-3).

23 (b-5) In this subsection (b-5), "virtual-schooling" means
24 a cyber school where students engage in online curriculum and
25 instruction via the Internet and electronic communication with

1 their teachers at remote locations and with students
2 participating at different times.

3 From April 1, 2013 through December 31, 2016, there is a
4 moratorium on the establishment of charter schools with
5 virtual-schooling components in school districts other than a
6 school district organized under Article 34 of this Code. This
7 moratorium does not apply to a charter school with
8 virtual-schooling components existing or approved prior to
9 April 1, 2013 or to the renewal of the charter of a charter
10 school with virtual-schooling components already approved
11 prior to April 1, 2013.

12 (c) A charter school shall be administered and governed by
13 its board of directors or other governing body in the manner
14 provided in its charter. The governing body of a charter
15 school shall be subject to the Freedom of Information Act and
16 the Open Meetings Act. No later than January 1, 2021 (one year
17 after the effective date of Public Act 101-291), a charter
18 school's board of directors or other governing body must
19 include at least one parent or guardian of a pupil currently
20 enrolled in the charter school who may be selected through the
21 charter school or a charter network election, appointment by
22 the charter school's board of directors or other governing
23 body, or by the charter school's Parent Teacher Organization
24 or its equivalent.

25 (c-5) No later than January 1, 2021 (one year after the
26 effective date of Public Act 101-291) or within the first year

1 of his or her first term, every voting member of a charter
2 school's board of directors or other governing body shall
3 complete a minimum of 4 hours of professional development
4 leadership training to ensure that each member has sufficient
5 familiarity with the board's or governing body's role and
6 responsibilities, including financial oversight and
7 accountability of the school, evaluating the principal's and
8 school's performance, adherence to the Freedom of Information
9 Act and the Open Meetings Act, and compliance with education
10 and labor law. In each subsequent year of his or her term, a
11 voting member of a charter school's board of directors or
12 other governing body shall complete a minimum of 2 hours of
13 professional development training in these same areas. The
14 training under this subsection may be provided or certified by
15 a statewide charter school membership association or may be
16 provided or certified by other qualified providers approved by
17 the State Board of Education.

18 (d) For purposes of this subsection (d), "non-curricular
19 health and safety requirement" means any health and safety
20 requirement created by statute or rule to provide, maintain,
21 preserve, or safeguard safe or healthful conditions for
22 students and school personnel or to eliminate, reduce, or
23 prevent threats to the health and safety of students and
24 school personnel. "Non-curricular health and safety
25 requirement" does not include any course of study or
26 specialized instructional requirement for which the State

1 Board has established goals and learning standards or which is
2 designed primarily to impart knowledge and skills for students
3 to master and apply as an outcome of their education.

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

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

26 (f) A charter school shall be responsible for the

1 management and operation of its fiscal affairs including, but
2 not limited to, the preparation of its budget. An audit of each
3 charter school's finances shall be conducted annually by an
4 outside, independent contractor retained by the charter
5 school. To ensure financial accountability for the use of
6 public funds, on or before December 1 of every year of
7 operation, each charter school shall submit to its authorizer
8 and the State Board a copy of its audit and a copy of the Form
9 990 the charter school filed that year with the federal
10 Internal Revenue Service. In addition, if deemed necessary for
11 proper financial oversight of the charter school, an
12 authorizer may require quarterly financial statements from
13 each charter school.

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

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

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

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

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

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

9 (5.5) subsection (b) of Section 10-23.12 and
10 subsection (b) of Section 34-18.6 of this Code;

11 (6) the Illinois School Student Records Act;

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

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

15 (9) Section 27-23.7 of this Code regarding bullying
16 prevention;

17 (10) Section 2-3.162 of this Code regarding student
18 discipline reporting;

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

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

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

22 (14) Section 26-18 of this Code;

23 (15) Section 22-30 of this Code;

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

25 (17) the Seizure Smart School Act; ~~and~~

26 (18) Section 2-3.64a-10 of this Code; ~~and~~

1 (19) Section 2-3.188 of this Code; and

2 (20) Section 22-85.5 of this Code.

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

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

1 charter school contracts with a local school board or with the
2 governing body of a State college or university or public
3 community college shall be provided by the public entity at
4 cost.

5 (i) In no event shall a charter school that is established
6 by converting an existing school or attendance center to
7 charter school status be required to pay rent for space that is
8 deemed available, as negotiated and provided in the charter
9 agreement, in school district facilities. However, all other
10 costs for the operation and maintenance of school district
11 facilities that are used by the charter school shall be
12 subject to negotiation between the charter school and the
13 local school board and shall be set forth in the charter.

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

16 (k) If the charter school is approved by the State Board or
17 Commission, then the charter school is its own local education
18 agency.

19 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
20 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
21 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
22 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
23 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
24 3-8-21.)

25 Section 10. The Abused and Neglected Child Reporting Act

1 is amended by changing Section 3 as follows:

2 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

5 "Adult resident" means any person between 18 and 22 years
6 of age who resides in any facility licensed by the Department
7 under the Child Care Act of 1969. For purposes of this Act, the
8 criteria set forth in the definitions of "abused child" and
9 "neglected child" shall be used in determining whether an
10 adult resident is abused or neglected.

11 "Agency" means a child care facility licensed under
12 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
13 includes a transitional living program that accepts children
14 and adult residents for placement who are in the guardianship
15 of the Department.

16 "Blatant disregard" means an incident where the real,
17 significant, and imminent risk of harm would be so obvious to a
18 reasonable parent or caretaker that it is unlikely that a
19 reasonable parent or caretaker would have exposed the child to
20 the danger without exercising precautionary measures to
21 protect the child from harm. With respect to a person working
22 at an agency in his or her professional capacity with a child
23 or adult resident, "blatant disregard" includes a failure by
24 the person to perform job responsibilities intended to protect
25 the child's or adult resident's health, physical well-being,

1 or welfare, and, when viewed in light of the surrounding
2 circumstances, evidence exists that would cause a reasonable
3 person to believe that the child was neglected. With respect
4 to an agency, "blatant disregard" includes a failure to
5 implement practices that ensure the health, physical
6 well-being, or welfare of the children and adult residents
7 residing in the facility.

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

11 "Department" means Department of Children and Family
12 Services.

13 "Local law enforcement agency" means the police of a city,
14 town, village or other incorporated area or the sheriff of an
15 unincorporated area or any sworn officer of the Illinois
16 Department of State Police.

17 "Abused child" means a child whose parent or immediate
18 family member, or any person responsible for the child's
19 welfare, or any individual residing in the same home as the
20 child, or a paramour of the child's parent:

21 (a) inflicts, causes to be inflicted, or allows to be
22 inflicted upon such child physical injury, by other than
23 accidental means, which causes death, disfigurement,
24 impairment of physical or emotional health, or loss or
25 impairment of any bodily function;

26 (b) creates a substantial risk of physical injury to

1 such child by other than accidental means which would be
2 likely to cause death, disfigurement, impairment of
3 physical or emotional health, or loss or impairment of any
4 bodily function;

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

10 (d) commits or allows to be committed an act or acts of
11 torture upon such child;

12 (e) inflicts excessive corporal punishment or, in the
13 case of a person working for an agency who is prohibited
14 from using corporal punishment, inflicts corporal
15 punishment upon a child or adult resident with whom the
16 person is working in his or her professional capacity;

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

20 (g) causes to be sold, transferred, distributed, or
21 given to such child under 18 years of age, a controlled
22 substance as defined in Section 102 of the Illinois
23 Controlled Substances Act in violation of Article IV of
24 the Illinois Controlled Substances Act or in violation of
25 the Methamphetamine Control and Community Protection Act,
26 except for controlled substances that are prescribed in

1 accordance with Article III of the Illinois Controlled
2 Substances Act and are dispensed to such child in a manner
3 that substantially complies with the prescription; ~~or~~

4 (h) commits or allows to be committed the offense of
5 involuntary servitude, involuntary sexual servitude of a
6 minor, or trafficking in persons as defined in Section
7 10-9 of the Criminal Code of 2012 against the child; ~~or-~~

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

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

14 "Neglected child" means any child who is not receiving the
15 proper or necessary nourishment or medically indicated
16 treatment including food or care not provided solely on the
17 basis of the present or anticipated mental or physical
18 impairment as determined by a physician acting alone or in
19 consultation with other physicians or otherwise is not
20 receiving the proper or necessary support or medical or other
21 remedial care recognized under State law as necessary for a
22 child's well-being, or other care necessary for his or her
23 well-being, including adequate food, clothing and shelter; or
24 who is subjected to an environment which is injurious insofar
25 as (i) the child's environment creates a likelihood of harm to
26 the child's health, physical well-being, or welfare and (ii)

1 the likely harm to the child is the result of a blatant
2 disregard of parent, caretaker, or agency responsibilities; or
3 who is abandoned by his or her parents or other person
4 responsible for the child's welfare without a proper plan of
5 care; or who has been provided with interim crisis
6 intervention services under Section 3-5 of the Juvenile Court
7 Act of 1987 and whose parent, guardian, or custodian refuses
8 to permit the child to return home and no other living
9 arrangement agreeable to the parent, guardian, or custodian
10 can be made, and the parent, guardian, or custodian has not
11 made any other appropriate living arrangement for the child;
12 or who is a newborn infant whose blood, urine, or meconium
13 contains any amount of a controlled substance as defined in
14 subsection (f) of Section 102 of the Illinois Controlled
15 Substances Act or a metabolite thereof, with the exception of
16 a controlled substance or metabolite thereof whose presence in
17 the newborn infant is the result of medical treatment
18 administered to the mother or the newborn infant. A child
19 shall not be considered neglected for the sole reason that the
20 child's parent or other person responsible for his or her
21 welfare has left the child in the care of an adult relative for
22 any period of time. A child shall not be considered neglected
23 for the sole reason that the child has been relinquished in
24 accordance with the Abandoned Newborn Infant Protection Act. A
25 child shall not be considered neglected or abused for the sole
26 reason that such child's parent or other person responsible

1 for his or her welfare depends upon spiritual means through
2 prayer alone for the treatment or cure of disease or remedial
3 care as provided under Section 4 of this Act. A child shall not
4 be considered neglected or abused solely because the child is
5 not attending school in accordance with the requirements of
6 Article 26 of The School Code, as amended.

7 "Child Protective Service Unit" means certain specialized
8 State employees of the Department assigned by the Director to
9 perform the duties and responsibilities as provided under
10 Section 7.2 of this Act.

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

16 "Great bodily harm" includes bodily injury which creates a
17 high probability of death, or which causes serious permanent
18 disfigurement, or which causes a permanent or protracted loss
19 or impairment of the function of any bodily member or organ, or
20 other serious bodily harm.

21 "Person responsible for the child's welfare" means the
22 child's parent; guardian; foster parent; relative caregiver;
23 any person responsible for the child's welfare in a public or
24 private residential agency or institution; any person
25 responsible for the child's welfare within a public or private
26 profit or not for profit child care facility; or any other

1 person responsible for the child's welfare at the time of the
2 alleged abuse or neglect, including any person that is the
3 custodian of a child under 18 years of age who commits or
4 allows to be committed, against the child, the offense of
5 involuntary servitude, involuntary sexual servitude of a
6 minor, or trafficking in persons for forced labor or services,
7 as provided in Section 10-9 of the Criminal Code of 2012, or
8 any person who came to know the child through an official
9 capacity or position of trust, including but not limited to
10 health care professionals, educational personnel, recreational
11 supervisors, members of the clergy, and volunteers or support
12 personnel in any setting where children may be subject to
13 abuse or neglect.

14 "Temporary protective custody" means custody within a
15 hospital or other medical facility or a place previously
16 designated for such custody by the Department, subject to
17 review by the Court, including a licensed foster home, group
18 home, or other institution; but such place shall not be a jail
19 or other place for the detention of criminal or juvenile
20 offenders.

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

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

1 "An undetermined report" means any report made under this
2 Act in which it was not possible to initiate or complete an
3 investigation on the basis of information provided to the
4 Department.

5 "Subject of report" means any child reported to the
6 central register of child abuse and neglect established under
7 Section 7.7 of this Act as an alleged victim of child abuse or
8 neglect and the parent or guardian of the alleged victim or
9 other person responsible for the alleged victim's welfare who
10 is named in the report or added to the report as an alleged
11 perpetrator of child abuse or neglect.

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

15 "Member of the clergy" means a clergyman or practitioner
16 of any religious denomination accredited by the religious body
17 to which he or she belongs.

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

19 Section 15. The Criminal Code of 2012 is amended by
20 changing Section 11-25 as follows:

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

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

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

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

16 Section 99. Effective date. This Section and Sections 5
17 and 10 take effect upon becoming law.