

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 10-21.9, 21B-75, 26A-30, 27A-5, and 34-18.5 and by adding
6 Sections 22-85.10 and 22-94 as follows:

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

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

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

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

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

17 (a-5) The school district or regional superintendent shall
18 further perform a check of the Statewide Sex Offender
19 Database, as authorized by the Sex Offender Community
20 Notification Law, for each applicant. The check of the
21 Statewide Sex Offender Database must be conducted by the
22 school district or regional superintendent once for every 5
23 years that an applicant remains employed by the school
24 district.

25 (a-6) The school district or regional superintendent shall
26 further perform a check of the Statewide Murderer and Violent

1 Offender Against Youth Database, as authorized by the Murderer
2 and Violent Offender Against Youth Community Notification Law,
3 for each applicant. The check of the Murderer and Violent
4 Offender Against Youth Database must be conducted by the
5 school district or regional superintendent once for every 5
6 years that an applicant remains employed by the school
7 district.

8 (b) Any information concerning the record of convictions
9 obtained by the president of the school board or the regional
10 superintendent shall be confidential and may only be
11 transmitted to the superintendent of the school district or
12 his designee, the appropriate regional superintendent if the
13 check was requested by the school district, the presidents of
14 the appropriate school boards if the check was requested from
15 the Illinois State Police by the regional superintendent, the
16 State Board of Education and a school district as authorized
17 under subsection (b-5), the State Superintendent of Education,
18 the State Educator Preparation and Licensure Board, any other
19 person necessary to the decision of hiring the applicant for
20 employment, or for clarification purposes the Illinois State
21 Police or Statewide Sex Offender Database, or both. A copy of
22 the record of convictions obtained from the Illinois State
23 Police shall be provided to the applicant for employment. Upon
24 the check of the Statewide Sex Offender Database or Statewide
25 Murderer and Violent Offender Against Youth Database, the
26 school district or regional superintendent shall notify an

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

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

19 (b-5) If a criminal history records check or check of the
20 Statewide Sex Offender Database or Statewide Murderer and
21 Violent Offender Against Youth Database is performed by a
22 regional superintendent for an applicant seeking employment as
23 a substitute teacher with a school district, the regional
24 superintendent may disclose to the State Board of Education
25 whether the applicant has been issued a certificate under
26 subsection (b) based on those checks. If the State Board

1 receives information on an applicant under this subsection,
2 then it must indicate in the Educator Licensure Information
3 System for a 90-day period that the applicant has been issued
4 or has not been issued a certificate.

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

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

22 (e) Within 10 days after a superintendent, regional office
23 of education, or entity that provides background checks of
24 license holders to public schools receives information of a
25 pending criminal charge against a license holder for an
26 offense set forth in Section 21B-80 of this Code, the

1 superintendent, regional office of education, or entity must
2 notify the State Superintendent of Education of the pending
3 criminal charge.

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

22 (e-5) The superintendent of the employing school board
23 shall, in writing, notify the State Superintendent of
24 Education and the applicable regional superintendent of
25 schools of any license holder whom he or she has reasonable
26 cause to believe has committed (i) an intentional act of abuse

1 or neglect with the result of making a child an abused child or
2 a neglected child, as defined in Section 3 of the Abused and
3 Neglected Child Reporting Act, or (ii) an act of sexual
4 misconduct, as defined in Section 22-85.5 of this Code, and
5 that act resulted in the license holder's dismissal or
6 resignation from the school district. This notification must
7 be submitted within 30 days after the dismissal or resignation
8 and must include the Illinois Educator Identification Number
9 (IEIN) of the license holder and a brief description of the
10 misconduct alleged. The license holder must also be
11 contemporaneously sent a copy of the notice by the
12 superintendent. All correspondence, documentation, and other
13 information so received by the regional superintendent of
14 schools, the State Superintendent of Education, the State
15 Board of Education, or the State Educator Preparation and
16 Licensure Board under this subsection (e-5) is confidential
17 and must not be disclosed to third parties, except (i) as
18 necessary for the State Superintendent of Education or his or
19 her designee to investigate and prosecute pursuant to Article
20 21B of this Code, (ii) pursuant to a court order, (iii) for
21 disclosure to the license holder or his or her representative,
22 or (iv) as otherwise provided in this Article and provided
23 that any such information admitted into evidence in a hearing
24 is exempt from this confidentiality and non-disclosure
25 requirement. Except for an act of willful or wanton
26 misconduct, any superintendent who provides notification as

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

4 (f) After January 1, 1990 the provisions of this Section
5 shall apply to all employees of persons or firms holding
6 contracts with any school district including, but not limited
7 to, food service workers, school bus drivers and other
8 transportation employees, who have direct, daily contact with
9 the pupils of any school in such district. For purposes of
10 criminal history records checks and checks of the Statewide
11 Sex Offender Database on employees of persons or firms holding
12 contracts with more than one school district and assigned to
13 more than one school district, the regional superintendent of
14 the educational service region in which the contracting school
15 districts are located may, at the request of any such school
16 district, be responsible for receiving the authorization for a
17 criminal history records check prepared by each such employee
18 and submitting the same to the Illinois State Police and for
19 conducting a check of the Statewide Sex Offender Database for
20 each employee. Any information concerning the record of
21 conviction and identification as a sex offender of any such
22 employee obtained by the regional superintendent shall be
23 promptly reported to the president of the appropriate school
24 board or school boards.

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

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

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

1 Database, as authorized by the Murderer and Violent Offender
2 Against Youth Registration Act, for each student teacher. No
3 school board may knowingly allow a person to student teach for
4 whom a criminal history records check, a Statewide Sex
5 Offender Database check, and a Statewide Murderer and Violent
6 Offender Against Youth Database check have not been completed
7 and reviewed by the district.

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

20 No school board shall knowingly allow a person to student
21 teach who has been convicted of any offense that would subject
22 him or her to license suspension or revocation pursuant to
23 subsection (c) of Section 21B-80 of this Code, except as
24 provided under subsection (b) of Section 21B-80. Further, no
25 school board shall allow a person to student teach if he or she
26 has been found to be the perpetrator of sexual or physical

1 abuse of a minor under 18 years of age pursuant to proceedings
2 under Article II of the Juvenile Court Act of 1987. Each school
3 board must consider the status of a person to student teach who
4 has been issued an indicated finding of abuse or neglect of a
5 child by the Department of Children and Family Services under
6 the Abused and Neglected Child Reporting Act or by a child
7 welfare agency of another jurisdiction.

8 (h) (Blank).

9 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
10 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
11 1-1-22; revised 10-6-21.)

12 (105 ILCS 5/21B-75)

13 Sec. 21B-75. Suspension or revocation of license,
14 endorsement, or approval.

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

19 (b) The State Superintendent of Education has the
20 exclusive authority, in accordance with this Section and any
21 rules adopted by the State Board of Education, in consultation
22 with the State Educator Preparation and Licensure Board, to
23 initiate the suspension of up to 5 calendar years or
24 revocation of any license, endorsement, or approval issued
25 pursuant to this Article for abuse or neglect of a child,

1 sexual misconduct as defined in subsection (c) of Section
2 22-85.5 of this Code, immorality, a condition of health
3 detrimental to the welfare of pupils, incompetency,
4 unprofessional conduct (which includes the failure to disclose
5 on an employment application any previous conviction for a sex
6 offense, as defined in Section 21B-80 of this Code, or any
7 other offense committed in any other state or against the laws
8 of the United States that, if committed in this State, would be
9 punishable as a sex offense, as defined in Section 21B-80 of
10 this Code), the neglect of any professional duty, willful or
11 negligent failure to report an instance of suspected child
12 abuse or neglect as required by the Abused and Neglected Child
13 Reporting Act, or other just cause. Negligent failure to
14 report an instance of suspected child abuse or neglect occurs
15 when a teacher personally observes an instance of suspected
16 child abuse or neglect and reasonably believes, in his or her
17 professional or official capacity, that the instance
18 constitutes an act of child abuse or neglect under the Abused
19 and Neglected Child Reporting Act, and he or she, without
20 willful intent, fails to immediately report or cause a report
21 to be made of the suspected abuse or neglect to the Department
22 of Children and Family Services, as required by the Abused and
23 Neglected Child Reporting Act. Unprofessional conduct shall
24 include the refusal to attend or participate in institutes,
25 teachers' meetings, or professional readings or to meet other
26 reasonable requirements of the regional superintendent of

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

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

24 (2) Whether the unsatisfactory evaluation ratings
25 occurred prior to or after the implementation date, as
26 defined in Section 24A-2.5 of this Code, of an evaluation

1 system for teachers in a school district.

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

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

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

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

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

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

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

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

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

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

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

25 (d) The State Superintendent of Education or his or her
26 designee may initiate and conduct such investigations as may

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

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

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

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

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

25 (h) The State Board of Education shall receive an annual
26 line item appropriation to cover fees associated with the

1 investigation and prosecution of alleged educator misconduct
2 and hearings related thereto.

3 (Source: P.A. 101-531, eff. 8-23-19; 102-552, eff. 1-1-22.)

4 (105 ILCS 5/22-85.10 new)

5 Sec. 22-85.10. Parental notification of sexual misconduct.

6 (a) The governing body of each school district, charter
7 school, or nonpublic school shall implement a procedure under
8 which notice is provided to the parents or guardians of an
9 enrolled student, unless the student is at least 18 years of
10 age or emancipated, with whom an employee, agent of the
11 school, or a contractor of the school is alleged to have
12 engaged in sexual misconduct as defined in subsection (c) of
13 Section 22-85.5 of this Code. Notice provided to the parent or
14 guardian of a student with a disability must not conflict with
15 the student's individualized education plan or a Section 504
16 plan under the federal Rehabilitation Act of 1973 and the
17 requirements of applicable State or federal law. The procedure
18 shall include:

19 (1) Consideration of the time frame for providing
20 notice to the student and the student's parents or
21 guardians if the alleged sexual misconduct is also being
22 investigated by the Illinois Department of Children and
23 Family Services or law enforcement as described in Section
24 22-85 of this Code.

25 (2) Prior to notification of the student's parents or

1 guardians, notification must first be provided to the
2 student in a developmentally appropriate manner and
3 include:

4 (A) that notice will be given to the student's
5 parents or guardians;

6 (B) what information will be included in the
7 notice to the student's parents or guardians;

8 (C) available resources for the student within the
9 school and community in accordance with Article 26A of
10 this Code and available counseling services under
11 Section 3-550 of the Mental Health and Developmental
12 Disabilities Code; and

13 (D) beginning July 1, 2025, the name and contact
14 information for the domestic and sexual violence and
15 parenting resource coordinator under Section 26A-35 of
16 this Code.

17 (3) After notification of the student as required
18 under paragraph (2), the student's parents or guardians
19 shall be notified in writing:

20 (A) of the alleged misconduct; and

21 (B) of available resources for the student within
22 the school and the community in accordance with
23 Article 26A of this Code and, beginning on July 1,
24 2025, the name and contact information for the
25 domestic and sexual violence and parenting resource
26 coordinator under Section 26A-35 of this Code.

1 (4) Notification must be provided as soon as feasible
2 after the employing entity becomes aware that alleged
3 misconduct may have occurred, subject to the requirements
4 of subsection (f) of Section 22-85 of this Code.

5 (b) The governing body of each school district, charter
6 school, or nonpublic school shall implement a procedure under
7 which notice is provided to the parents or guardians of a
8 student, subject to subsection (a), when any formal action has
9 been taken by the governing body relating to the employment of
10 the alleged perpetrator following the investigation of sexual
11 misconduct, including whether employment was terminated or
12 whether the governing body accepted the resignation of the
13 employee. Notice provided to the parents or guardians of a
14 student with a disability must not conflict with the student's
15 individualized education plan or a Section 504 plan under the
16 federal Rehabilitation Act of 1973 and the requirements of
17 applicable State or federal law. The procedure shall include:

18 (1) Consideration of the time frame for providing
19 notice to the student and the student's parents or
20 guardians if the alleged sexual misconduct is also being
21 investigated by the Illinois Department of Children and
22 Family Services or law enforcement as described in Section
23 22-85 of this Code.

24 (2) Prior to notification of the student's parents or
25 guardians, notification must first be provided to the
26 student in a developmentally appropriate manner and

1 include:

2 (A) that notice will be given to the student's
3 parent or guardian of the governing body's action;

4 (B) what information will be included in the
5 notice to the student's parents or guardians;

6 (C) available resources for the student within the
7 school and community in accordance with Article 26A of
8 this Code and available counseling services under
9 Section 3-550 of the Mental Health and Developmental
10 Disabilities Code; and

11 (D) beginning July 1, 2025, the name and contact
12 information for the domestic and sexual violence and
13 parenting resource coordinator under Section 26A-35 of
14 this Code.

15 (3) After notification of the student as required in
16 paragraph (2), the student's parents or guardians shall be
17 notified in writing:

18 (A) of the governing body's action;

19 (B) whether a report concerning the alleged sexual
20 misconduct was or will be submitted to the State
21 Superintendent of Education and the applicable
22 regional superintendent of schools pursuant to Section
23 10-21.9 of this Code; and

24 (C) of available resources for the student within
25 the school and the community in accordance with
26 Article 26A of this Code and, beginning on July 1,

1 2025, the name and contact information for the
2 domestic and sexual violence and parenting resource
3 coordinator under Section 26A-35 of this Code.

4 (4) Notification must be provided as soon as feasible
5 after the board action is taken, subject to the
6 requirements of subsection (f) of Section 22-85 of this
7 Code.

8 (5) For the purposes of subsection (b), if the student
9 is no longer enrolled at the time formal action is taken,
10 sending written notice to the last known address in the
11 student's file fulfills notification requirements.

12 (c) Notwithstanding any other provision of this Section,
13 notification to the student prior to notification of the
14 student's parents or guardians shall not be required to the
15 extent an employee or agent of the school district, charter
16 school, or nonpublic school deems it necessary to address an
17 imminent risk of serious physical injury or death of a student
18 or another person, including the victim. If prior notification
19 to the student is not given, notification to the student shall
20 be provided as soon as practicable and without delay following
21 the notification to the student's parents or guardians.

22 (d) Subsections (a) and (b) shall not apply if the
23 student's parent or guardian is the alleged perpetrator of the
24 misconduct.

1 Sec. 22-94. Employment history review.

2 (a) This Section applies to all permanent and temporary
3 positions for employment with a school or a contractor of a
4 school involving direct contact with children or students.

5 (b) In this Section:

6 "Contractor" means firms holding contracts with any school
7 including, but not limited to, food service workers, school
8 bus drivers and other transportation employees, who have
9 direct contact with children or students.

10 "Direct contact with children or students" means the
11 possibility of care, supervision, guidance, or control of
12 children or students or routine interaction with children or
13 students.

14 "School" means a public or nonpublic elementary or
15 secondary school.

16 "Sexual misconduct" has the meaning ascribed to it in
17 subsection (c) of Section 22-85.5 of this Code.

18 (c) Prior to hiring an applicant to work directly with
19 children or students, a school or contractor must ensure that
20 the following criteria are met:

21 (1) the school or contractor has no knowledge or
22 information pertaining to the applicant that would
23 disqualify the applicant from employment;

24 (2) the applicant swears or affirms that the applicant
25 is not disqualified from employment;

26 (3) using the template developed by the State Board of

1 Education, the applicant provides all of the following:

2 (A) a list, including the name, address, telephone
3 number, and other relevant contact information of the
4 following:

5 (i) the applicant's current employer;

6 (ii) all former employers of the applicant
7 that were schools or school contractors, as well
8 as all former employers at which the applicant had
9 direct contact with children or students;

10 (B) A written authorization that consents to and
11 authorizes disclosure by the applicant's current and
12 former employers under subparagraph (A) of this
13 paragraph (3) of the information requested under
14 paragraph (4) of this subsection (c) and the release
15 of related records and that releases those employers
16 from any liability that may arise from such disclosure
17 or release of records pursuant to subsection (e).

18 (C) A written statement of whether the applicant:

19 (i) has been the subject of a sexual
20 misconduct allegation, unless a subsequent
21 investigation resulted in a finding that the
22 allegation was false, unfounded, or
23 unsubstantiated;

24 (ii) has ever been discharged from, been asked
25 to resign from, resigned from, or otherwise been
26 separated from any employment, has ever been

1 disciplined by an employer, or has ever had an
2 employment contract not renewed due to an
3 adjudication or finding of sexual misconduct or
4 while an allegation of sexual misconduct was
5 pending or under investigation, unless the
6 investigation resulted in a finding that the
7 allegation was false, unfounded, or
8 unsubstantiated; or

9 (iii) has ever had a license or certificate
10 suspended, surrendered, or revoked or had an
11 application for licensure, approval, or
12 endorsement denied due to an adjudication or
13 finding of sexual misconduct or while an
14 allegation of sexual misconduct was pending or
15 under investigation, unless the investigation
16 resulted in a finding that the allegation was
17 false, unfounded, or unsubstantiated.

18 (4) The school or contractor shall initiate a review
19 of the employment history of the applicant by contacting
20 those employers listed by the applicant under subparagraph
21 (A) of paragraph (3) of this subsection (c) and, using the
22 template developed by the State Board of Education,
23 request all of the following information:

24 (A) the dates of employment of the applicant;

25 (B) a statement as to whether the applicant:

26 (i) has been the subject of a sexual

1 misconduct allegation, unless a subsequent
2 investigation resulted in a finding that the
3 allegation was false, unfounded, or
4 unsubstantiated;

5 (ii) was discharged from, was asked to resign
6 from, resigned from, or was otherwise separated
7 from any employment, was disciplined by the
8 employer, or had an employment contract not
9 renewed due to an adjudication or finding of
10 sexual misconduct or while an allegation of sexual
11 misconduct was pending or under investigation,
12 unless the investigation resulted in a finding
13 that the allegation was false, unfounded, or
14 unsubstantiated; or

15 (iii) has ever had a license or certificate
16 suspended, surrendered, or revoked due to an
17 adjudication or finding of sexual misconduct or
18 while an allegation of sexual misconduct was
19 pending or under investigation, unless the
20 investigation resulted in a finding that the
21 allegation was false, unfounded, or
22 unsubstantiated.

23 (C) The template shall include the following
24 option: if the employer does not have records or
25 evidence regarding the questions in items (i) through
26 (iii) of subparagraph (B) of paragraph (4) of

1 subsection (c), the employer may state that there is
2 no knowledge of information pertaining to the
3 applicant that would disqualify the applicant from
4 employment.

5 (5) For applicants licensed by the State Board of
6 Education, the school district, charter school, or
7 nonpublic school shall verify the applicant's reported
8 previous employers with previous employers in the State
9 Board of Education's educator licensure database to ensure
10 accuracy.

11 (d) An applicant who provides false information or
12 willfully fails to disclose information required in subsection
13 (c) shall be subject to discipline, up to and including
14 termination or denial of employment.

15 (e) No later than 20 days after receiving a request for
16 information required under paragraph (4) of subsection (c), an
17 employer who has or had an employment relationship with the
18 applicant shall disclose the information requested. If the
19 employer has an office of human resources or a central office,
20 information shall be provided by that office. The employer who
21 has or had an employment relationship with the applicant shall
22 disclose the information on the template developed by the
23 State Board of Education. For any affirmative response to
24 items (i) through (iii) of subparagraph (B) of paragraph (4)
25 or subsection (c), the employer who has or had an employment
26 relationship with the applicant shall provide additional

1 information about the matters disclosed and all related
2 records.

3 A school shall complete the template at time of separation
4 from employment, or at the request of the employee, and
5 maintain it as part of the employee's personnel file. If the
6 school completes an investigation after an employee's
7 separation from employment, the school shall update the
8 information accordingly.

9 Information received under this Section shall not be
10 deemed a public record.

11 A school or contractor who receives information under this
12 subsection (e) may use the information for the purpose of
13 evaluating an applicant's fitness to be hired or for continued
14 employment and may report the information, as appropriate, to
15 the State Board of Education, a State licensing agency, a law
16 enforcement agency, a child protective services agency,
17 another school or contractor, or a prospective employer.

18 An employer, school, school administrator, or contractor
19 who provides information or records about a current or former
20 employee or applicant under this Section is immune from
21 criminal and civil liability for the disclosure of the
22 information or records, unless the information or records
23 provided were knowingly false. This immunity shall be in
24 addition to and not a limitation on any other immunity
25 provided by law or any absolute or conditional privileges
26 applicable to the disclosure by virtue of the circumstances or

1 the applicant's consent to the disclosure and shall extent to
2 any circumstances when the employer, school, school
3 administrator, or contractor in good faith shares findings of
4 sexual misconduct with another employer.

5 Unless the laws of another state prevent the release of
6 the information or records requested or disclosure is
7 restricted by the terms of a contract entered into prior to the
8 effective date of this amendatory Act of the 102nd General
9 Assembly, and notwithstanding any other provisions of law to
10 the contrary, an employer, school, school administrator,
11 contractor, or applicant shall report and disclose, in
12 accordance with this Section, all relevant information,
13 records, and documentation that may otherwise be confidential.

14 (f) A school or contractor may not hire an applicant who
15 does not provide the information required under subsection (c)
16 for a position involving direct contact with children or
17 students.

18 (g) Beginning on the effective date of this amendatory Act
19 of the 102nd General Assembly, a school or contractor may not
20 enter into a collective bargaining agreement, an employment
21 contract, an agreement for resignation or termination, a
22 severance agreement, or any other contract or agreement or
23 take any action that:

24 (1) has the effect of suppressing information
25 concerning a pending investigation or a completed
26 investigation in which an allegation was substantiated

1 related to a report of suspected sexual misconduct by a
2 current or former employee;

3 (2) affects the ability of the school or contractor to
4 report suspected sexual misconduct to the appropriate
5 authorities; or

6 (3) requires the school or contractor to expunge
7 information about allegations or findings of suspected
8 sexual misconduct from any documents maintained by the
9 school or contractor, unless, after an investigation, an
10 allegation is found to be false, unfounded, or
11 unsubstantiated.

12 (h) Any provision of an employment contract or agreement
13 for resignation or termination or a severance agreement that
14 is executed, amended, or entered into on or after the
15 effective date of this amendatory Act of the 102nd General
16 Assembly and that is contrary to this Section is void and
17 unenforceable.

18 (i) For substitute employees, all of the following apply:

19 (1) The employment history review required by this
20 Section is required only prior to the initial hiring of a
21 substitute employee or placement on a school's approved
22 substitute list and shall remain valid as long as the
23 substitute employee continues to be employed by the same
24 school or remains on the school's approved substitute
25 list.

26 (2) A substitute employee seeking to be added to

1 another school's substitute list shall undergo an
2 additional employment history review under this Section.
3 Except as otherwise provided in paragraph (3) of this
4 subsection (i) or in subsection (k), the appearance of a
5 substitute employee on one school's substitute list does
6 not relieve another school from compliance with this
7 Section.

8 (3) An employment history review conducted upon
9 initial hiring of a substitute employee by contractor or
10 any other entity that furnishes substitute staffing
11 services to schools shall satisfy the requirements of this
12 Section for all schools using the services of that
13 contractor or other entity.

14 (4) A contractor or any other entity furnishing
15 substitute staffing services to schools shall comply with
16 paragraphs (3) and (4) of subsection (j).

17 (j) For employees of contractors, all of the following
18 apply:

19 (1) The employment history review required by this
20 Section shall be performed, either at the time of the
21 initial hiring of an employee or prior to the assignment
22 of an existing employee to perform work for a school in a
23 position involving direct contact with children or
24 students. The review shall remain valid as long as the
25 employee remains employed by the same contractor, even if
26 assigned to perform work for other schools.

1 (2) A contractor shall maintain records documenting
2 employment history reviews for all employees as required
3 by this Section and, upon request, shall provide a school
4 for whom an employee is assigned to perform work access to
5 the records pertaining to that employee.

6 (3) Prior to assigning an employee to perform work for
7 a school in a position involving direct contact with
8 children or students, the contractor shall inform the
9 school of any instance known to the contractor in which
10 the employee:

11 (A) has been the subject of a sexual misconduct
12 allegation unless a subsequent investigation resulted
13 in a finding that the allegation was false, unfounded,
14 or unsubstantiated;

15 (B) has ever been discharged, been asked to resign
16 from, resigned from, or otherwise been separated from
17 any employment, been removed from a substitute list,
18 been disciplined by an employer, or had an employment
19 contract not renewed due to an adjudication or finding
20 of sexual misconduct or while an allegation of sexual
21 misconduct was pending or under investigation, unless
22 the investigation resulted in a finding that the
23 allegation was false, unfounded, or unsubstantiated;
24 or

25 (C) has ever had a license or certificate
26 suspended, surrendered, or revoked due to an

1 adjudication or finding of sexual misconduct or while
2 an allegation of sexual misconduct was pending or
3 under investigation, unless the investigation resulted
4 in a finding that the allegation was false, unfounded,
5 or unsubstantiated.

6 (4) The contractor may not assign an employee to
7 perform work for a school in a position involving direct
8 contact with children or students if the school objects to
9 the assignment after being informed of an instance listed
10 in paragraph (3).

11 (k) An applicant who has undergone an employment history
12 review under this Section and seeks to transfer to or provide
13 services to another school in the same school district,
14 diocese, or religious jurisdiction, or to another school
15 established and supervised by the same organization is not
16 required to obtain additional reports under this Section
17 before transferring.

18 (1) Nothing in this Section shall be construed:

19 (1) to prevent a prospective employer from conducting
20 further investigations of prospective employees or from
21 requiring applicants to provide additional background
22 information or authorizations beyond what is required
23 under this Section, nor to prevent a current or former
24 employer from disclosing more information than what is
25 required under this Section;

26 (2) to relieve a school, school employee, contractor

1 of the school, or agent of the school from any legal
2 responsibility to report sexual misconduct in accordance
3 with State and federal reporting requirements;

4 (3) to relieve a school, school employee, contractor
5 of the school, or agent of the school from any legal
6 responsibility to implement the provisions of Section 7926
7 of Chapter 20 of the United States Code; or

8 (4) to prohibit the right of the exclusive bargaining
9 representative under a collective bargaining agreement to
10 grieve and arbitrate the validity of an employee's
11 termination or discipline for just cause.

12 (m) The State Board of Education shall develop the
13 templates required under paragraphs (3) and (4) of subsection
14 (c).

15 (105 ILCS 5/26A-30)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 Sec. 26A-30. Confidentiality.

19 (a) Each school district must adopt and ensure that it has
20 and implements a policy to ensure that all information
21 concerning a student's status and related experiences as a
22 parent, expectant parent, or victim of domestic or sexual
23 violence, or a student who is a named perpetrator of domestic
24 or sexual violence, provided to or otherwise obtained by the
25 school district or its employees or agents pursuant to this

1 Code or otherwise, including a statement of the student or any
2 other documentation, record, or corroborating evidence that
3 the student has requested or obtained assistance, support, or
4 services pursuant to this Code, shall be retained in the
5 strictest of confidence by the school district or its
6 employees or agents and may not be disclosed to any other
7 individual outside of the district, including any other
8 employee, except if such disclosure is (i) permitted by the
9 Illinois School Student Records Act, the federal Family
10 Educational Rights and Privacy Act of 1974, or other
11 applicable State or federal laws, or (ii) requested or
12 consented to, in writing, by the student or the student's
13 parent or guardian if it is safe to obtain written consent from
14 the student's parent or guardian.

15 (b) Prior to disclosing information about a student's
16 status as a parent, expectant parent, or victim of domestic or
17 sexual violence, a school must notify the student and discuss
18 and address any safety concerns related to the disclosure,
19 including instances in which the student indicates or the
20 school or school district or its employees or agents are
21 otherwise aware that the student's health or safety may be at
22 risk if his or her status is disclosed to the student's parent
23 or guardian, except as otherwise permitted by applicable State
24 or federal law, including the Abused and Neglected Child
25 Reporting Act, the Illinois School Student Records Act, the
26 federal Family Educational Rights and Privacy Act of 1974, and

1 professional ethics policies that govern professional school
2 personnel.

3 (c) No student may be required to testify publicly
4 concerning his or her status as a victim of domestic or sexual
5 violence, allegations of domestic or sexual violence, his or
6 her status as a parent or expectant parent, or the student's
7 efforts to enforce any of his or her rights under provisions of
8 this Code relating to students who are parents, expectant
9 parents, or victims of domestic or sexual violence.

10 (d) In the case of domestic or sexual violence, except as
11 permitted under State or federal law, or to the extent that a
12 school official determines that the school official has an
13 obligation to do so based on safety concerns or threats to the
14 community, including the victim, a school district must not
15 contact the person named to be the perpetrator, the
16 perpetrator's family, or any other person named by the student
17 or named by the student's parent or guardian to be unsafe to
18 contact to verify the violence. A school district must not
19 contact the perpetrator, the perpetrator's family, or any
20 other person named by the student or the student's parent or
21 guardian to be unsafe for any other reason without providing
22 prior written notice to the student's parent or guardian.
23 Nothing in this Section prohibits the school or school
24 district from taking other steps to investigate the violence
25 or from contacting persons not named by the student or the
26 student's parent or guardian as unsafe to contact. Nothing in

1 this Section prohibits the school or school district from
2 taking reasonable steps to protect students. If the reasonable
3 steps taken to protect students involve conduct that is
4 prohibited under this subsection, the school must provide
5 notice to the reporting student, in writing and in a
6 developmentally appropriate communication format, of its
7 intent to contact the parties named to be unsafe.

8 (e) This Section shall not apply to notification of
9 parents or guardians if the perpetrator of the alleged sexual
10 misconduct is an employee, agent, or contractor of a school
11 district, charter school, or nonpublic school with direct
12 contact with children or students.

13 (Source: P.A. 102-466, eff. 7-1-25.)

14 (105 ILCS 5/27A-5)

15 (Text of Section before amendment by P.A. 102-157 and P.A.
16 102-466)

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

18 (a) A charter school shall be a public, nonsectarian,
19 nonreligious, non-home based, and non-profit school. A charter
20 school shall be organized and operated as a nonprofit
21 corporation or other discrete, legal, nonprofit entity
22 authorized under the laws of the State of Illinois.

23 (b) A charter school may be established under this Article
24 by creating a new school or by converting an existing public
25 school or attendance center to charter school status.

1 Beginning on April 16, 2003 (the effective date of Public Act
2 93-3), in all new applications to establish a charter school
3 in a city having a population exceeding 500,000, operation of
4 the charter school shall be limited to one campus. The changes
5 made to this Section by Public Act 93-3 do not apply to charter
6 schools existing or approved on or before April 16, 2003 (the
7 effective date of Public Act 93-3).

8 (b-5) In this subsection (b-5), "virtual-schooling" means
9 a cyber school where students engage in online curriculum and
10 instruction via the Internet and electronic communication with
11 their teachers at remote locations and with students
12 participating at different times.

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

22 (c) A charter school shall be administered and governed by
23 its board of directors or other governing body in the manner
24 provided in its charter. The governing body of a charter
25 school shall be subject to the Freedom of Information Act and
26 the Open Meetings Act. No later than January 1, 2021 (one year

1 after the effective date of Public Act 101-291), a charter
2 school's board of directors or other governing body must
3 include at least one parent or guardian of a pupil currently
4 enrolled in the charter school who may be selected through the
5 charter school or a charter network election, appointment by
6 the charter school's board of directors or other governing
7 body, or by the charter school's Parent Teacher Organization
8 or its equivalent.

9 (c-5) No later than January 1, 2021 (one year after the
10 effective date of Public Act 101-291) or within the first year
11 of his or her first term, every voting member of a charter
12 school's board of directors or other governing body shall
13 complete a minimum of 4 hours of professional development
14 leadership training to ensure that each member has sufficient
15 familiarity with the board's or governing body's role and
16 responsibilities, including financial oversight and
17 accountability of the school, evaluating the principal's and
18 school's performance, adherence to the Freedom of Information
19 Act and the Open Meetings Act, and compliance with education
20 and labor law. In each subsequent year of his or her term, a
21 voting member of a charter school's board of directors or
22 other governing body shall complete a minimum of 2 hours of
23 professional development training in these same areas. The
24 training under this subsection may be provided or certified by
25 a statewide charter school membership association or may be
26 provided or certified by other qualified providers approved by

1 the State Board of Education.

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

14 A charter school shall comply with all non-curricular
15 health and safety requirements applicable to public schools
16 under the laws of the State of Illinois. On or before September
17 1, 2015, the State Board shall promulgate and post on its
18 Internet website a list of non-curricular health and safety
19 requirements that a charter school must meet. The list shall
20 be updated annually no later than September 1. Any charter
21 contract between a charter school and its authorizer must
22 contain a provision that requires the charter school to follow
23 the list of all non-curricular health and safety requirements
24 promulgated by the State Board and any non-curricular health
25 and safety requirements added by the State Board to such list
26 during the term of the charter. Nothing in this subsection (d)

1 precludes an authorizer from including non-curricular health
2 and safety requirements in a charter school contract that are
3 not contained in the list promulgated by the State Board,
4 including non-curricular health and safety requirements of the
5 authorizing local school board.

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

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

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

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

14 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
15 34-84a of this Code regarding discipline of students;

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

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

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

22 (5.5) subsection (b) of Section 10-23.12 and
23 subsection (b) of Section 34-18.6 of this Code;

24 (6) the Illinois School Student Records Act;

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

- 1 (8) the P-20 Longitudinal Education Data System Act;
- 2 (9) Section 27-23.7 of this Code regarding bullying
3 prevention;
- 4 (10) Section 2-3.162 of this Code regarding student
5 discipline reporting;
- 6 (11) Sections 22-80 and 27-8.1 of this Code;
- 7 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 8 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 9 (14) Section 26-18 of this Code;
- 10 (15) Section 22-30 of this Code;
- 11 (16) Sections 24-12 and 34-85 of this Code; ~~and~~
- 12 (17) the Seizure Smart School Act;
- 13 (18) Section 2-3.64a-10 of this Code; ~~and~~
- 14 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~and~~
- 15 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~and~~
- 16 (21) ~~(19)~~ Section 27-9.1a of this Code;
- 17 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
- 18 (23) ~~(21)~~ Section 34-18.8 of this Code; ~~and~~
- 19 (25) Section 22-85.10 of this Code.

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

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

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

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

1 costs for the operation and maintenance of school district
2 facilities that are used by the charter school shall be
3 subject to negotiation between the charter school and the
4 local school board and shall be set forth in the charter.

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

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

10 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
11 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
12 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-360,
13 eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21;
14 102-558, eff. 8-20-21; revised 10-5-21.)

15 (Text of Section after amendment by P.A. 102-157 but
16 before amendment by P.A. 102-466)

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

18 (a) A charter school shall be a public, nonsectarian,
19 nonreligious, non-home based, and non-profit school. A charter
20 school shall be organized and operated as a nonprofit
21 corporation or other discrete, legal, nonprofit entity
22 authorized under the laws of the State of Illinois.

23 (b) A charter school may be established under this Article
24 by creating a new school or by converting an existing public
25 school or attendance center to charter school status.

1 Beginning on April 16, 2003 (the effective date of Public Act
2 93-3), in all new applications to establish a charter school
3 in a city having a population exceeding 500,000, operation of
4 the charter school shall be limited to one campus. The changes
5 made to this Section by Public Act 93-3 do not apply to charter
6 schools existing or approved on or before April 16, 2003 (the
7 effective date of Public Act 93-3).

8 (b-5) In this subsection (b-5), "virtual-schooling" means
9 a cyber school where students engage in online curriculum and
10 instruction via the Internet and electronic communication with
11 their teachers at remote locations and with students
12 participating at different times.

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

22 (c) A charter school shall be administered and governed by
23 its board of directors or other governing body in the manner
24 provided in its charter. The governing body of a charter
25 school shall be subject to the Freedom of Information Act and
26 the Open Meetings Act. No later than January 1, 2021 (one year

1 after the effective date of Public Act 101-291), a charter
2 school's board of directors or other governing body must
3 include at least one parent or guardian of a pupil currently
4 enrolled in the charter school who may be selected through the
5 charter school or a charter network election, appointment by
6 the charter school's board of directors or other governing
7 body, or by the charter school's Parent Teacher Organization
8 or its equivalent.

9 (c-5) No later than January 1, 2021 (one year after the
10 effective date of Public Act 101-291) or within the first year
11 of his or her first term, every voting member of a charter
12 school's board of directors or other governing body shall
13 complete a minimum of 4 hours of professional development
14 leadership training to ensure that each member has sufficient
15 familiarity with the board's or governing body's role and
16 responsibilities, including financial oversight and
17 accountability of the school, evaluating the principal's and
18 school's performance, adherence to the Freedom of Information
19 Act and the Open Meetings Act, and compliance with education
20 and labor law. In each subsequent year of his or her term, a
21 voting member of a charter school's board of directors or
22 other governing body shall complete a minimum of 2 hours of
23 professional development training in these same areas. The
24 training under this subsection may be provided or certified by
25 a statewide charter school membership association or may be
26 provided or certified by other qualified providers approved by

1 the State Board of Education.

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

14 A charter school shall comply with all non-curricular
15 health and safety requirements applicable to public schools
16 under the laws of the State of Illinois. On or before September
17 1, 2015, the State Board shall promulgate and post on its
18 Internet website a list of non-curricular health and safety
19 requirements that a charter school must meet. The list shall
20 be updated annually no later than September 1. Any charter
21 contract between a charter school and its authorizer must
22 contain a provision that requires the charter school to follow
23 the list of all non-curricular health and safety requirements
24 promulgated by the State Board and any non-curricular health
25 and safety requirements added by the State Board to such list
26 during the term of the charter. Nothing in this subsection (d)

1 precludes an authorizer from including non-curricular health
2 and safety requirements in a charter school contract that are
3 not contained in the list promulgated by the State Board,
4 including non-curricular health and safety requirements of the
5 authorizing local school board.

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

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

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

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

14 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
15 34-84a of this Code regarding discipline of students;

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

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

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

22 (5.5) subsection (b) of Section 10-23.12 and
23 subsection (b) of Section 34-18.6 of this Code;

24 (6) the Illinois School Student Records Act;

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

- 1 (8) the P-20 Longitudinal Education Data System Act;
- 2 (9) Section 27-23.7 of this Code regarding bullying
3 prevention;
- 4 (10) Section 2-3.162 of this Code regarding student
5 discipline reporting;
- 6 (11) Sections 22-80 and 27-8.1 of this Code;
- 7 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 8 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 9 (14) Sections 22-90 and 26-18 of this Code;
- 10 (15) Section 22-30 of this Code;
- 11 (16) Sections 24-12 and 34-85 of this Code; ~~and~~
- 12 (17) the Seizure Smart School Act;
- 13 (18) Section 2-3.64a-10 of this Code; ~~and~~
- 14 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code;~~;~~
- 15 (20) ~~(19)~~ Section 10-22.25b of this Code;~~;~~
- 16 (21) ~~(19)~~ Section 27-9.1a of this Code;
- 17 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
- 18 (23) ~~(21)~~ Section 34-18.8 of this Code; ~~and~~;
- 19 (25) Section 22-85.10 of this Code.

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

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

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

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

1 costs for the operation and maintenance of school district
2 facilities that are used by the charter school shall be
3 subject to negotiation between the charter school and the
4 local school board and shall be set forth in the charter.

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

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

10 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
11 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
12 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
13 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
14 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; revised
15 10-5-21.)

16 (Text of Section after amendment by P.A. 102-466)

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

18 (a) A charter school shall be a public, nonsectarian,
19 nonreligious, non-home based, and non-profit school. A charter
20 school shall be organized and operated as a nonprofit
21 corporation or other discrete, legal, nonprofit entity
22 authorized under the laws of the State of Illinois.

23 (b) A charter school may be established under this Article
24 by creating a new school or by converting an existing public
25 school or attendance center to charter school status.

1 Beginning on April 16, 2003 (the effective date of Public Act
2 93-3), in all new applications to establish a charter school
3 in a city having a population exceeding 500,000, operation of
4 the charter school shall be limited to one campus. The changes
5 made to this Section by Public Act 93-3 do not apply to charter
6 schools existing or approved on or before April 16, 2003 (the
7 effective date of Public Act 93-3).

8 (b-5) In this subsection (b-5), "virtual-schooling" means
9 a cyber school where students engage in online curriculum and
10 instruction via the Internet and electronic communication with
11 their teachers at remote locations and with students
12 participating at different times.

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

22 (c) A charter school shall be administered and governed by
23 its board of directors or other governing body in the manner
24 provided in its charter. The governing body of a charter
25 school shall be subject to the Freedom of Information Act and
26 the Open Meetings Act. No later than January 1, 2021 (one year

1 after the effective date of Public Act 101-291), a charter
2 school's board of directors or other governing body must
3 include at least one parent or guardian of a pupil currently
4 enrolled in the charter school who may be selected through the
5 charter school or a charter network election, appointment by
6 the charter school's board of directors or other governing
7 body, or by the charter school's Parent Teacher Organization
8 or its equivalent.

9 (c-5) No later than January 1, 2021 (one year after the
10 effective date of Public Act 101-291) or within the first year
11 of his or her first term, every voting member of a charter
12 school's board of directors or other governing body shall
13 complete a minimum of 4 hours of professional development
14 leadership training to ensure that each member has sufficient
15 familiarity with the board's or governing body's role and
16 responsibilities, including financial oversight and
17 accountability of the school, evaluating the principal's and
18 school's performance, adherence to the Freedom of Information
19 Act and the Open Meetings Act, and compliance with education
20 and labor law. In each subsequent year of his or her term, a
21 voting member of a charter school's board of directors or
22 other governing body shall complete a minimum of 2 hours of
23 professional development training in these same areas. The
24 training under this subsection may be provided or certified by
25 a statewide charter school membership association or may be
26 provided or certified by other qualified providers approved by

1 the State Board of Education.

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

14 A charter school shall comply with all non-curricular
15 health and safety requirements applicable to public schools
16 under the laws of the State of Illinois. On or before September
17 1, 2015, the State Board shall promulgate and post on its
18 Internet website a list of non-curricular health and safety
19 requirements that a charter school must meet. The list shall
20 be updated annually no later than September 1. Any charter
21 contract between a charter school and its authorizer must
22 contain a provision that requires the charter school to follow
23 the list of all non-curricular health and safety requirements
24 promulgated by the State Board and any non-curricular health
25 and safety requirements added by the State Board to such list
26 during the term of the charter. Nothing in this subsection (d)

1 precludes an authorizer from including non-curricular health
2 and safety requirements in a charter school contract that are
3 not contained in the list promulgated by the State Board,
4 including non-curricular health and safety requirements of the
5 authorizing local school board.

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

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

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

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

14 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
15 34-84a of this Code regarding discipline of students;

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

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

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

22 (5.5) subsection (b) of Section 10-23.12 and
23 subsection (b) of Section 34-18.6 of this Code;

24 (6) the Illinois School Student Records Act;

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

- 1 (8) the P-20 Longitudinal Education Data System Act;
- 2 (9) Section 27-23.7 of this Code regarding bullying
3 prevention;
- 4 (10) Section 2-3.162 of this Code regarding student
5 discipline reporting;
- 6 (11) Sections 22-80 and 27-8.1 of this Code;
- 7 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 8 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 9 (14) Sections 22-90 and 26-18 of this Code;
- 10 (15) Section 22-30 of this Code;
- 11 (16) Sections 24-12 and 34-85 of this Code; ~~and~~
- 12 (17) the Seizure Smart School Act;
- 13 (18) Section 2-3.64a-10 of this Code; ~~and~~
- 14 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~i-~~
- 15 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~i-~~
- 16 (21) ~~(19)~~ Section 27-9.1a of this Code;
- 17 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
- 18 (23) ~~(21)~~ Section 34-18.8 of this Code; ~~i-~~
- 19 (24) ~~(19)~~ Article 26A of this Code; ~~and-~~
- 20 (25) Section 22-85.10 of this Code.

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

23 (h) A charter school may negotiate and contract with a
24 school district, the governing body of a State college or
25 university or public community college, or any other public or
26 for-profit or nonprofit private entity for: (i) the use of a

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

23 (i) In no event shall a charter school that is established
24 by converting an existing school or attendance center to
25 charter school status be required to pay rent for space that is
26 deemed available, as negotiated and provided in the charter

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

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

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

11 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
12 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
13 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
14 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
15 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
16 8-20-21; revised 10-5-21.)

17 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

21 (a) Licensed and nonlicensed applicants for employment
22 with the school district are required as a condition of
23 employment to authorize a fingerprint-based criminal history
24 records check to determine if such applicants have been
25 convicted of any disqualifying, enumerated criminal or drug

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

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

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

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

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

14 (b) Any information concerning the record of convictions
15 obtained by the president of the board of education or the
16 regional superintendent shall be confidential and may only be
17 transmitted to the general superintendent of the school
18 district or his designee, the appropriate regional
19 superintendent if the check was requested by the board of
20 education for the school district, the presidents of the
21 appropriate board of education or school boards if the check
22 was requested from the Illinois State Police by the regional
23 superintendent, the State Board of Education and the school
24 district as authorized under subsection (b-5), the State
25 Superintendent of Education, the State Educator Preparation
26 and Licensure Board or any other person necessary to the

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

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

25 (b-5) If a criminal history records check or check of the
26 Statewide Sex Offender Database or Statewide Murderer and

1 Violent Offender Against Youth Database is performed by a
2 regional superintendent for an applicant seeking employment as
3 a substitute teacher with the school district, the regional
4 superintendent may disclose to the State Board of Education
5 whether the applicant has been issued a certificate under
6 subsection (b) based on those checks. If the State Board
7 receives information on an applicant under this subsection,
8 then it must indicate in the Educator Licensure Information
9 System for a 90-day period that the applicant has been issued
10 or has not been issued a certificate.

11 (c) The board of education shall not knowingly employ a
12 person who has been convicted of any offense that would
13 subject him or her to license suspension or revocation
14 pursuant to Section 21B-80 of this Code, except as provided
15 under subsection (b) of 21B-80. Further, the board of
16 education shall not knowingly employ a person who has been
17 found to be the perpetrator of sexual or physical abuse of any
18 minor under 18 years of age pursuant to proceedings under
19 Article II of the Juvenile Court Act of 1987. As a condition of
20 employment, the board of education must consider the status of
21 a person who has been issued an indicated finding of abuse or
22 neglect of a child by the Department of Children and Family
23 Services under the Abused and Neglected Child Reporting Act or
24 by a child welfare agency of another jurisdiction.

25 (d) The board of education shall not knowingly employ a
26 person for whom a criminal history records check and a

1 Statewide Sex Offender Database check have not been initiated.

2 (e) Within 10 days after the general superintendent of
3 schools, a regional office of education, or an entity that
4 provides background checks of license holders to public
5 schools receives information of a pending criminal charge
6 against a license holder for an offense set forth in Section
7 21B-80 of this Code, the superintendent, regional office of
8 education, or entity must notify the State Superintendent of
9 Education of the pending criminal charge.

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

1 (e-5) The general superintendent of schools shall, in
2 writing, notify the State Superintendent of Education of any
3 license holder whom he or she has reasonable cause to believe
4 has committed (i) an intentional act of abuse or neglect with
5 the result of making a child an abused child or a neglected
6 child, as defined in Section 3 of the Abused and Neglected
7 Child Reporting Act or (ii) an act of sexual misconduct, as
8 defined in Section 22-85.5 of this Code, and that act resulted
9 in the license holder's dismissal or resignation from the
10 school district and must include the Illinois Educator
11 Identification Number (IEIN) of the license holder and a brief
12 description of the misconduct alleged. This notification must
13 be submitted within 30 days after the dismissal or
14 resignation. The license holder must also be contemporaneously
15 sent a copy of the notice by the superintendent. All
16 correspondence, documentation, and other information so
17 received by the State Superintendent of Education, the State
18 Board of Education, or the State Educator Preparation and
19 Licensure Board under this subsection (e-5) is confidential
20 and must not be disclosed to third parties, except (i) as
21 necessary for the State Superintendent of Education or his or
22 her designee to investigate and prosecute pursuant to Article
23 21B of this Code, (ii) pursuant to a court order, (iii) for
24 disclosure to the license holder or his or her representative,
25 or (iv) as otherwise provided in this Article and provided
26 that any such information admitted into evidence in a hearing

1 is exempt from this confidentiality and non-disclosure
2 requirement. Except for an act of willful or wanton
3 misconduct, any superintendent who provides notification as
4 required in this subsection (e-5) shall have immunity from any
5 liability, whether civil or criminal or that otherwise might
6 result by reason of such action.

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

1 board or school boards.

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

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

1 of the Statewide Murderer and Violent Offender Against Youth
2 Database, as authorized by the Murderer and Violent Offender
3 Against Youth Registration Act, for each student teacher. The
4 board may not knowingly allow a person to student teach for
5 whom a criminal history records check, a Statewide Sex
6 Offender Database check, and a Statewide Murderer and Violent
7 Offender Against Youth Database check have not been completed
8 and reviewed by the district.

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

21 The board may not knowingly allow a person to student
22 teach who has been convicted of any offense that would subject
23 him or her to license suspension or revocation pursuant to
24 subsection (c) of Section 21B-80 of this Code, except as
25 provided under subsection (b) of Section 21B-80. Further, the
26 board may not allow a person to student teach if he or she has

1 been found to be the perpetrator of sexual or physical abuse of
2 a minor under 18 years of age pursuant to proceedings under
3 Article II of the Juvenile Court Act of 1987. The board must
4 consider the status of a person to student teach who has been
5 issued an indicated finding of abuse or neglect of a child by
6 the Department of Children and Family Services under the
7 Abused and Neglected Child Reporting Act or by a child welfare
8 agency of another jurisdiction.

9 (h) (Blank).

10 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
11 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
12 1-1-22; revised 10-18-21.)

13 Section 10. The Personnel Record Review Act is amended by
14 changing Section 8 as follows:

15 (820 ILCS 40/8) (from Ch. 48, par. 2008)

16 Sec. 8. An employer shall review a personnel record before
17 releasing information to a third party and, except when the
18 release is ordered to a party in a legal action or arbitration,
19 delete disciplinary reports, letters of reprimand, or other
20 records of disciplinary action which are more than 4 years
21 old. This Section does not apply to a school district or an
22 authorized employee or agent of a school district who is
23 sharing information related to an incident or an attempted
24 incident of sexual abuse, ~~or~~ or severe physical abuse, or sexual

1 misconduct as defined in subsection (c) of Section 22-85.5 of
2 this Code.

3 (Source: P.A. 101-531, eff. 8-23-19.)

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

11 Section 99. Effective date. This Act takes effect on July
12 1, 2023.