



Rep. Michelle Mussman

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LRB102 20411 NLB 36184 a

1 AMENDMENT TO HOUSE BILL 4316

2 AMENDMENT NO. _____. Amend House Bill 4316 as follows:

3 on page 1, line 5, after "10-21.9," by inserting "21B-75,
4 26A-30,"; and

5 on page 13, immediately below line 11, by inserting the
6 following:

7 "(105 ILCS 5/21B-75)

8 Sec. 21B-75. Suspension or revocation of license,
9 endorsement, or approval.

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

14 (b) The State Superintendent of Education has the
15 exclusive authority, in accordance with this Section and any

1 rules adopted by the State Board of Education, in consultation
2 with the State Educator Preparation and Licensure Board, to
3 initiate the suspension of up to 5 calendar years or
4 revocation of any license, endorsement, or approval issued
5 pursuant to this Article for abuse or neglect of a child,
6 sexual misconduct as defined in subsection (c) of Section
7 22-85.5 of this Code, immorality, a condition of health
8 detrimental to the welfare of pupils, incompetency,
9 unprofessional conduct (which includes the failure to disclose
10 on an employment application any previous conviction for a sex
11 offense, as defined in Section 21B-80 of this Code, or any
12 other offense committed in any other state or against the laws
13 of the United States that, if committed in this State, would be
14 punishable as a sex offense, as defined in Section 21B-80 of
15 this Code), the neglect of any professional duty, willful or
16 negligent failure to report an instance of suspected child
17 abuse or neglect as required by the Abused and Neglected Child
18 Reporting Act, or other just cause. Negligent failure to
19 report an instance of suspected child abuse or neglect occurs
20 when a teacher personally observes an instance of suspected
21 child abuse or neglect and reasonably believes, in his or her
22 professional or official capacity, that the instance
23 constitutes an act of child abuse or neglect under the Abused
24 and Neglected Child Reporting Act, and he or she, without
25 willful intent, fails to immediately report or cause a report
26 to be made of the suspected abuse or neglect to the Department

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

- 26 (1) Whether the unsatisfactory evaluation ratings

1 occurred prior to June 13, 2011 (the effective date of
2 Public Act 97-8).

3 (2) Whether the unsatisfactory evaluation ratings
4 occurred prior to or after the implementation date, as
5 defined in Section 24A-2.5 of this Code, of an evaluation
6 system for teachers in a school district.

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

11 (4) The time between the unsatisfactory evaluation
12 ratings.

13 (5) The quality of the remediation plans associated
14 with the unsatisfactory evaluation ratings and whether the
15 license holder successfully completed the remediation
16 plans.

17 (6) Whether the unsatisfactory evaluation ratings were
18 related to the same or different assignments performed by
19 the license holder.

20 (7) Whether one or more of the unsatisfactory
21 evaluation ratings occurred in the first year of a
22 teaching or administrative assignment.

23 When initiating an action against one or more licenses, the
24 State Superintendent may seek required professional
25 development as a sanction in lieu of or in addition to
26 suspension or revocation. Any such required professional

1 development must be at the expense of the license holder, who
2 may use, if available and applicable to the requirements
3 established by administrative or court order, training,
4 coursework, or other professional development funds in
5 accordance with the terms of an applicable collective
6 bargaining agreement entered into after June 13, 2011 (the
7 effective date of Public Act 97-8), unless that agreement
8 specifically precludes use of funds for such purpose.

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

1 other sanction shall immediately take effect in accordance
2 with the notice. If a hearing is requested within 10 days after
3 notice of an opportunity for hearing, it shall act as a stay of
4 proceedings until the State Educator Preparation and Licensure
5 Board issues a decision. Any hearing shall take place in the
6 educational service region where the educator is or was last
7 employed and in accordance with rules adopted by the State
8 Board of Education, in consultation with the State Educator
9 Preparation and Licensure Board, and such rules shall include
10 without limitation provisions for discovery and the sharing of
11 information between parties prior to the hearing. The standard
12 of proof for any administrative hearing held pursuant to this
13 Section shall be by the preponderance of the evidence. The
14 decision of the State Educator Preparation and Licensure Board
15 is a final administrative decision and is subject to judicial
16 review by appeal of either party.

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

24 The exclusive authority of the State Superintendent of
25 Education to initiate suspension or revocation of a license
26 pursuant to this Section does not preclude a regional

1 superintendent of schools from cooperating with the State
2 Superintendent or a State's Attorney with respect to an
3 investigation of alleged misconduct.

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

24 (e) All correspondence, documentation, and other
25 information so received by the regional superintendent of
26 schools, the State Superintendent of Education, the State

1 Board of Education, or the State Educator Preparation and
2 Licensure Board under this Section is confidential and must
3 not be disclosed to third parties, except (i) as necessary for
4 the State Superintendent of Education or his or her designee
5 to investigate and prosecute pursuant to this Article, (ii)
6 pursuant to a court order, (iii) for disclosure to the license
7 holder or his or her representative, or (iv) as otherwise
8 required in this Article and provided that any such
9 information admitted into evidence in a hearing is exempt from
10 this confidentiality and non-disclosure requirement.

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

22 (g) Any circuit court, upon the application of the State
23 Superintendent of Education or the license holder, may, by
24 order duly entered, require the attendance of witnesses and
25 the production of relevant books and papers as part of any
26 investigation or at any hearing the State Educator Preparation

1 and Licensure Board is authorized to conduct pursuant to this
2 Section, and the court may compel obedience to its orders by
3 proceedings for contempt.

4 (h) The State Board of Education shall receive an annual
5 line item appropriation to cover fees associated with the
6 investigation and prosecution of alleged educator misconduct
7 and hearings related thereto.

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

10 by replacing page 13, line 14 through page 27, line 20 with the
11 following:

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

25 (1) Consideration of the time frame for providing

1 notice to the student and the student's parents or
2 guardians if the alleged sexual misconduct is also being
3 investigated by the Illinois Department of Children and
4 Family Services or law enforcement as described in Section
5 22-85 of this Code.

6 (2) Prior to notification of the student's parents or
7 guardians, notification must first be provided to the
8 student in a developmentally appropriate manner and
9 include:

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

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

14 (C) available resources for the student within the
15 school and community in accordance with Article 26A of
16 this Code and available counseling services under
17 Section 3-550 of the Mental Health and Developmental
18 Disabilities Code; and

19 (D) beginning July 1, 2025, the name and contact
20 information for the domestic and sexual violence and
21 parenting resource coordinator under Section 26A-35 of
22 this Code.

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

26 (A) of the alleged misconduct; and

1 (B) of available resources for the student within
2 the school and the community in accordance with
3 Article 26A of this Code and, beginning on July 1,
4 2025, the name and contact information for the
5 domestic and sexual violence and parenting resource
6 coordinator under Section 26A-35 of this Code.

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

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

24 (1) Consideration of the time frame for providing
25 notice to the student and the student's parents or
26 guardians if the alleged sexual misconduct is also being

1 investigated by the Illinois Department of Children and
2 Family Services or law enforcement as described in Section
3 22-85 of this Code.

4 (2) Prior to notification of the student's parents or
5 guardians, notification must first be provided to the
6 student in a developmentally appropriate manner and
7 include:

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

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

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

17 (D) beginning July 1, 2025, the name and contact
18 information for the domestic and sexual violence and
19 parenting resource coordinator under Section 26A-35 of
20 this Code.

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

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

25 (B) whether a report concerning the alleged sexual
26 misconduct was or will be submitted to the State

1 Superintendent of Education and the applicable
2 regional superintendent of schools pursuant to Section
3 10-21.9 of this Code; and

4 (C) of available resources for the student within
5 the school and the community in accordance with
6 Article 26A of this Code and, beginning on July 1,
7 2025, the name and contact information for the
8 domestic and sexual violence and parenting resource
9 coordinator under Section 26A-35 of this Code.

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

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

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

1 the notification to the student's parents or guardians.

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

5 (105 ILCS 5/22-94 new)

6 Sec. 22-94. Employment history review.

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

10 (b) In this Section:

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

15 "Direct contact with children or students" means the
16 possibility of care, supervision, guidance, or control of
17 children or students or routine interaction with children or
18 students.

19 "School" means a public or nonpublic elementary or
20 secondary school.

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

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

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

4 (2) the applicant swears or affirms that the applicant
5 is not disqualified from employment;

6 (3) using the template developed by the State Board of
7 Education, the applicant provides all of the following:

8 (A) a list, including the name, address, telephone
9 number, and other relevant contact information of the
10 following:

11 (i) the applicant's current employer;

12 (ii) all former employers of the applicant
13 that were schools or school contractors, as well
14 as all former employers at which the applicant had
15 direct contact with children or students;

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

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

25 (i) has been the subject of a sexual
26 misconduct allegation, unless a subsequent

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

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

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

24 (4) The school or contractor shall initiate a review
25 of the employment history of the applicant by contacting
26 those employers listed by the applicant under subparagraph

1 (A) of paragraph (3) of this subsection (c) and, using the
2 template developed by the State Board of Education,
3 request all of the following information:

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

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

6 (i) has been the subject of a sexual
7 misconduct allegation, unless a subsequent
8 investigation resulted in a finding that the
9 allegation was false, unfounded, or
10 unsubstantiated;

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

21 (iii) has ever had a license or certificate
22 suspended, surrendered, or revoked due to an
23 adjudication or finding of sexual misconduct or
24 while an allegation of sexual misconduct was
25 pending or under investigation, unless the
26 investigation resulted in a finding that the

1 allegation was false, unfounded, or
2 unsubstantiated.

3 (C) The template shall include the following
4 option: if the employer does not have records or
5 evidence regarding the questions in items (i) through
6 (iii) of subparagraph (B) of paragraph (4) of
7 subsection (c), the employer may state that there is
8 no knowledge of information pertaining to the
9 applicant that would disqualify the applicant from
10 employment.

11 (5) For applicants licensed by the State Board of
12 Education, the school district, charter school, or
13 nonpublic school shall verify the applicant's reported
14 previous employers with previous employers in the State
15 Board of Education's educator licensure database to ensure
16 accuracy.

17 (d) An applicant who provides false information or
18 willfully fails to disclose information required in subsection
19 (c) shall be subject to discipline, up to and including
20 termination or denial of employment.

21 (e) No later than 20 days after receiving a request for
22 information required under paragraph (4) of subsection (c), an
23 employer who has or had an employment relationship with the
24 applicant shall disclose the information requested. If the
25 employer has an office of human resources or a central office,
26 information shall be provided by that office. The employer who

1 has or had an employment relationship with the applicant shall
2 disclose the information on the template developed by the
3 State Board of Education. For any affirmative response to
4 items (i) through (iii) of subparagraph (B) or paragraph (4)
5 of subsection (c), the employer who has or had an employment
6 relationship with the applicant shall provide additional
7 information about the matters disclosed and all related
8 records.

9 A school shall complete the template at time of separation
10 from employment, or at the request of the employee, and
11 maintain it as part of the employee's personnel file. If the
12 school completes an investigation after an employee's
13 separation from employment, the school shall update the
14 information accordingly.

15 Information received under this Section shall not be
16 deemed a public record.

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

24 An employer, school, school administrator, or contractor
25 who provides information or records about a current or former
26 employee or applicant under this Section is immune from

1 criminal and civil liability for the disclosure of the
2 information or records, unless the information or records
3 provided were knowingly false. This immunity shall be in
4 addition to and not a limitation on any other immunity
5 provided by law or any absolute or conditional privileges
6 applicable to the disclosure by virtue of the circumstances or
7 the applicant's consent to the disclosure and shall extent to
8 any circumstances when the employer, school, school
9 administrator, or contractor in good faith shares findings of
10 sexual misconduct with another employer.

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

20 (f) A school or contractor may not hire an applicant who
21 does not provide the information required under subsection (c)
22 for a position involving direct contact with children or
23 students.

24 (g) Beginning on the effective date of this amendatory Act
25 of the 102nd General Assembly, a school or contractor may not
26 enter into a collective bargaining agreement, an employment

1 contract, an agreement for resignation or termination, a
2 severance agreement, or any other contract or agreement or
3 take any action that:

4 (1) has the effect of suppressing information
5 concerning a pending investigation or a completed
6 investigation in which an allegation was substantiated
7 related to a report of suspected sexual misconduct by a
8 current or former employee;

9 (2) affects the ability of the school or contractor to
10 report suspected sexual misconduct to the appropriate
11 authorities; or

12 (3) requires the school or contractor to expunge
13 information about allegations or findings of suspected
14 sexual misconduct from any documents maintained by the
15 school or contractor, unless, after an investigation, an
16 allegation is found to be false, unfounded, or
17 unsubstantiated.

18 (h) Any provision of an employment contract or agreement
19 for resignation or termination or a severance agreement that
20 is executed, amended, or entered into on or after the
21 effective date of this amendatory Act of the 102nd General
22 Assembly and that is contrary to this Section is void and
23 unenforceable.

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

25 (1) The employment history review required by this
26 Section is required only prior to the initial hiring of a

1 substitute employee or placement on a school's approved
2 substitute list and shall remain valid as long as the
3 substitute employee continues to be employed by the same
4 school or remains on the school's approved substitute
5 list.

6 (2) A substitute employee seeking to be added to
7 another school's substitute list shall undergo an
8 additional employment history review under this Section.
9 Except as otherwise provided in paragraph (3) of this
10 subsection (i) or in subsection (k), the appearance of a
11 substitute employee on one school's substitute list does
12 not relieve another school from compliance with this
13 Section.

14 (3) An employment history review conducted upon
15 initial hiring of a substitute employee by contractor or
16 any other entity that furnishes substitute staffing
17 services to schools shall satisfy the requirements of this
18 Section for all schools using the services of that
19 contractor or other entity.

20 (4) An contractor or any other entity furnishing
21 substitute staffing services to schools shall comply with
22 paragraphs (3) and (4) of subsection (j).

23 (j) For employees of contractors, all of the following
24 apply:

25 (1) The employment history review required by this
26 Section shall be performed, either at the time of the

1 initial hiring of an employee or prior to the assignment
2 of an existing employee to perform work for a school in a
3 position involving direct contact with children or
4 students. The review shall remain valid as long as the
5 employee remains employed by the same contractor, even if
6 assigned to perform work for other schools.

7 (2) An contractor shall maintain records documenting
8 employment history reviews for all employees as required
9 by this Section and, upon request, shall provide a school
10 for whom an employee is assigned to perform work access to
11 the records pertaining to that employee.

12 (3) Prior to assigning an employee to perform work for
13 a school in a position involving direct contact with
14 children or students, the contractor shall inform the
15 school of any instance known to the contractor in which
16 the employee:

17 (A) has been the subject of a sexual misconduct
18 allegation unless a subsequent investigation resulted
19 in a finding that the allegation was false, unfounded,
20 or unsubstantiated;

21 (B) has ever been discharged, been asked to resign
22 from, resigned from, or otherwise been separated from
23 any employment, been removed from a substitute list,
24 been disciplined by an employer, or had an employment
25 contract not renewed due to an adjudication or finding
26 of sexual misconduct or while an allegation of sexual

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

5 (C) has ever had a license or certificate
6 suspended, surrendered, or revoked renewed due to an
7 adjudication or finding of sexual misconduct or while
8 an allegation of sexual misconduct was pending or
9 under investigation, unless the investigation resulted
10 in a finding that the allegation was false, unfounded,
11 or unsubstantiated.

12 (4) The contractor may not assign an employee to
13 perform work for a school in a position involving direct
14 contact with children or students if the school objects to
15 the assignment after being informed of an instance listed
16 in paragraph (3).

17 (k) An applicant who has undergone an employment history
18 review under this Section and seeks to transfer to or provide
19 services to another school in the same school district,
20 diocese, or religious jurisdiction, or to another school
21 established and supervised by the same organization is not
22 required to obtain additional reports under this Section
23 before transferring.

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

25 (1) to prevent a prospective employer from conducting
26 further investigations of prospective employees or from

1 requiring applicants to provide additional background
2 information or authorizations beyond what is required
3 under this Section, nor to prevent a current or former
4 employer from disclosing more information than what is
5 required under this Section;

6 (2) to relieve a school, school employee, contractor
7 of the school, or agent of the school from any legal
8 responsibility to report sexual misconduct in accordance
9 with State and federal reporting requirements;

10 (3) to relieve a school, school employee, contractor
11 of the school, or agent of the school from any legal
12 responsibility to implement the provisions of Section 7926
13 of Chapter 20 of the United States Code; or

14 (4) to prohibit the right of the exclusive bargaining
15 representative under a collective bargaining agreement to
16 grieve and arbitrate the validity of an employee's
17 termination or discipline for just cause.

18 (m) The State Board of Education shall develop the
19 templates required under paragraphs (3) and (4) of subsection
20 (c).

21 (105 ILCS 5/26A-30)

22 (This Section may contain text from a Public Act with a
23 delayed effective date)

24 Sec. 26A-30. Confidentiality.

25 (a) Each school district must adopt and ensure that it has

1 and implements a policy to ensure that all information
2 concerning a student's status and related experiences as a
3 parent, expectant parent, or victim of domestic or sexual
4 violence, or a student who is a named perpetrator of domestic
5 or sexual violence, provided to or otherwise obtained by the
6 school district or its employees or agents pursuant to this
7 Code or otherwise, including a statement of the student or any
8 other documentation, record, or corroborating evidence that
9 the student has requested or obtained assistance, support, or
10 services pursuant to this Code, shall be retained in the
11 strictest of confidence by the school district or its
12 employees or agents and may not be disclosed to any other
13 individual outside of the district, including any other
14 employee, except if such disclosure is (i) permitted by the
15 Illinois School Student Records Act, the federal Family
16 Educational Rights and Privacy Act of 1974, or other
17 applicable State or federal laws, or (ii) requested or
18 consented to, in writing, by the student or the student's
19 parent or guardian if it is safe to obtain written consent from
20 the student's parent or guardian.

21 (b) Prior to disclosing information about a student's
22 status as a parent, expectant parent, or victim of domestic or
23 sexual violence, a school must notify the student and discuss
24 and address any safety concerns related to the disclosure,
25 including instances in which the student indicates or the
26 school or school district or its employees or agents are

1 otherwise aware that the student's health or safety may be at
2 risk if his or her status is disclosed to the student's parent
3 or guardian, except as otherwise permitted by applicable State
4 or federal law, including the Abused and Neglected Child
5 Reporting Act, the Illinois School Student Records Act, the
6 federal Family Educational Rights and Privacy Act of 1974, and
7 professional ethics policies that govern professional school
8 personnel.

9 (c) No student may be required to testify publicly
10 concerning his or her status as a victim of domestic or sexual
11 violence, allegations of domestic or sexual violence, his or
12 her status as a parent or expectant parent, or the student's
13 efforts to enforce any of his or her rights under provisions of
14 this Code relating to students who are parents, expectant
15 parents, or victims of domestic or sexual violence.

16 (d) In the case of domestic or sexual violence, except as
17 permitted under State or federal law, or to the extent that a
18 school official determines that the school official has an
19 obligation to do so based on safety concerns or threats to the
20 community, including the victim, a school district must not
21 contact the person named to be the perpetrator, the
22 perpetrator's family, or any other person named by the student
23 or named by the student's parent or guardian to be unsafe to
24 contact to verify the violence. A school district must not
25 contact the perpetrator, the perpetrator's family, or any
26 other person named by the student or the student's parent or

1 guardian to be unsafe for any other reason without providing
2 prior written notice to the student's parent or guardian.
3 Nothing in this Section prohibits the school or school
4 district from taking other steps to investigate the violence
5 or from contacting persons not named by the student or the
6 student's parent or guardian as unsafe to contact. Nothing in
7 this Section prohibits the school or school district from
8 taking reasonable steps to protect students. If the reasonable
9 steps taken to protect students involve conduct that is
10 prohibited under this subsection, the school must provide
11 notice to the reporting student, in writing and in a
12 developmentally appropriate communication format, of its
13 intent to contact the parties named to be unsafe.

14 (e) This Section shall not apply to notification of
15 parents or guardians if the perpetrator of the alleged sexual
16 misconduct is an employee, agent, or contractor of a school
17 district, charter school, or nonpublic school with direct
18 contact with children or students.

19 (Source: P.A. 102-466, eff. 7-1-25.); and

20 on page 64, line 8, by replacing "misconduct." with
21 "misconduct as defined in subsection (c) of Section 22-85.5 of
22 this Code."; and

23 on page 64, by replacing lines 17 through 18 with the
24 following:

1 "Section 99. Effective date. This Act takes effect on July
2 1, 2023."