

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; ~~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 (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.