



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3819

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.69 new
105 ILCS 5/34-18.61 new

Amends the School Code. Provides that, if a school district or person who is a contractor to the district takes disciplinary action, including requiring a paid or unpaid leave of absence, against an employee who is an educator licensed under the Educator Licensure Article of the Code or an employee of the contractor because of an allegation made against that employee that involves a violation of the Criminal Code of 2012 and the offense is sexually motivated, the school district must report the allegation, including the name of the employee, to (i) all persons employed by the school district or by the contractor who have duties within the school to which that employee is assigned and (ii) all parents or guardians of students attending the school to which that employee is assigned; defines "sexually motivated". Provides that if a school district makes a report and, subsequent to the reporting, the employee who was the subject of the report has been exonerated from the allegation, the school district must report the exoneration to all persons who received the initial report. Requires the State Board of Education to adopt rules. Effective immediately.

LRB101 11472 AXK 57198 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Sections
5 10-20.69 and 34-18.61 as follows:

6 (105 ILCS 5/10-20.69 new)

7 Sec. 10-20.69. Employee disciplinary action; report.

8 (a) In this Section, "sexually motivated" has the meaning
9 given to that term under Section 10 of the Sex Offender
10 Management Board Act.

11 (b) Notwithstanding any other provision of law, if a school
12 district or person who is a contractor to the district takes
13 disciplinary action, including requiring a paid or unpaid leave
14 of absence, against an employee who is an educator licensed
15 under Article 21B or an employee of the contractor because of
16 an allegation made against that employee that involves a
17 violation of the Criminal Code of 2012 and the offense is
18 sexually motivated, the school district must report the
19 allegation, including the name of the employee, to (i) all
20 persons employed by the school district or by the contractor
21 who have duties within the school to which that employee is
22 assigned and (ii) all parents or guardians of students
23 attending the school to which that employee is assigned.

1 (c) If a school district makes a report under subsection
2 (b) and, subsequent to the reporting, the employee who was the
3 subject of the report has been exonerated from the allegation,
4 the school district must report the exonerated to all persons
5 who received the initial report.

6 (d) The State Board of Education must adopt rules to
7 implement this Section.

8 (105 ILCS 5/34-18.61 new)

9 Sec. 34-18.61. Employee disciplinary action; report.

10 (a) In this Section, "sexually motivated" has the meaning
11 given to that term under Section 10 of the Sex Offender
12 Management Board Act.

13 (b) Notwithstanding any other provision of law, if the
14 school district or a person who is a contractor to the district
15 takes disciplinary action, including requiring a paid or unpaid
16 leave of absence, against an employee who is an educator
17 licensed under Article 21B or an employee of the contractor
18 because of an allegation made against that employee that
19 involves a violation of the Criminal Code of 2012 and the
20 offense is sexually motivated, the school district must report
21 the allegation, including the name of the employee, to (i) all
22 persons employed by the school district or by the contractor
23 who have duties within the school to which that employee is
24 assigned and (ii) all parents or guardians of students
25 attending the school to which that employee is assigned.

1 (c) If the school district makes a report under subsection
2 (b) and, subsequent to the reporting, the employee who was the
3 subject of the report has been exonerated from the allegation,
4 the school district must report the exonerated to all persons
5 who received the initial report.

6 (d) The State Board of Education must adopt rules to
7 implement this Section.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.