

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, 10-23.12, 21B-45, 21B-75, 21B-80, 24-12, 24-14,
6 27A-5, 34-18.5, 34-18.6, and 34-85 and by adding Sections
7 10-20.69, 22-85, 22-86, and 34-18.61 as follows:

8 (105 ILCS 5/10-20.69 new)

9 Sec. 10-20.69. Sexual abuse investigations at schools.
10 Every 2 years, each school district must review all existing
11 policies and procedures concerning sexual abuse investigations
12 at schools to ensure consistency with Section 22-85.

13 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

17 (a) Licensed and nonlicensed ~~Certified and noncertified~~
18 applicants for employment with a school district, except school
19 bus driver applicants, are required as a condition of
20 employment to authorize a fingerprint-based criminal history
21 records check to determine if such applicants have been
22 convicted of any disqualifying, ~~of the~~ enumerated criminal or

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

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

25 (a-5) The school district or regional superintendent shall
26 further perform a check of the Statewide Sex Offender Database,

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

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

14 (b) Any information concerning the record of convictions
15 obtained by the president of the school board or the regional
16 superintendent shall be confidential and may only be
17 transmitted to the superintendent of the school district or his
18 designee, the appropriate regional superintendent if the check
19 was requested by the school district, the presidents of the
20 appropriate school boards if the check was requested from the
21 Department of State Police by the regional superintendent, the
22 State Superintendent of Education, the State Educator
23 Preparation and Licensure ~~State Teacher Certification~~ Board,
24 any other person necessary to the decision of hiring the
25 applicant for employment, or for clarification purposes the
26 Department of State Police or Statewide Sex Offender Database,

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

1 offenses in subsection (c) of this Section or has not 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 and
8 evidencing that as of the date that the regional superintendent
9 conducted a check of the Statewide Sex Offender Database, the
10 applicant has not been identified in the Database as a sex
11 offender. The school board of any school district may rely on
12 the certificate issued by any regional superintendent to that
13 substitute teacher, concurrent part-time teacher, or
14 concurrent educational support personnel employee or may
15 initiate its own criminal history records check of the
16 applicant through the Department of State Police and its own
17 check of the Statewide Sex Offender Database as provided in
18 subsection (a). Any unauthorized release of confidential
19 information may be a violation of Section 7 of the Criminal
20 Identification Act.

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

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

9 (d) No school board shall knowingly employ a person for
10 whom a criminal history records check and a Statewide Sex
11 Offender Database check has not been initiated.

12 (e) If permissible by federal or State law, no later than
13 15 business days after receipt of a record of conviction or of
14 checking the Statewide Murderer and Violent Offender Against
15 Youth Database or the Statewide Sex Offender Database and
16 finding a registration, the superintendent of the employing
17 school board or the applicable regional superintendent shall,
18 in writing, notify the State Superintendent of Education of any
19 license holder who has been convicted of a crime set forth in
20 Section 21B-80 of this Code. Upon receipt of the record of a
21 conviction of or a finding of child abuse by a holder of any
22 license ~~certificate~~ issued pursuant to Article 21B ~~21~~ or
23 Section 34-8.1 or 34-83 of the School Code, the State
24 Superintendent of Education may initiate licensure ~~certificate~~
25 suspension and revocation proceedings as authorized by law. If
26 the receipt of the record of conviction or finding of child

1 abuse is received within 6 months after the initial grant of or
2 renewal of a license, the State Superintendent of Education may
3 rescind the license holder's license.

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

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

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

1 employee obtained by the regional superintendent shall be
2 promptly reported to the president of the appropriate school
3 board or school boards.

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

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

1 the inquiry and must be deposited into the State Police
2 Services Fund. The school district shall further perform a
3 check of the Statewide Sex Offender Database, as authorized by
4 the Sex Offender Community Notification Law, and of the
5 Statewide Murderer and Violent Offender Against Youth
6 Database, as authorized by the Murderer and Violent Offender
7 Against Youth Registration Act, for each student teacher. No
8 school board may knowingly allow a person to student teach for
9 whom a criminal history records check, a Statewide Sex Offender
10 Database check, and a Statewide Murderer and Violent Offender
11 Against Youth Database check have not been completed and
12 reviewed by the district.

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

25 No school board shall ~~may~~ knowingly allow a person to
26 student teach who has been convicted of any offense that would

1 subject him or her to license suspension or revocation pursuant
2 to subsection (c) of Section 21B-80 of this Code, except as
3 provided under subsection (b) of Section 21B-80. Further, no
4 school board shall allow a person to student teach if he or she
5 ~~or who~~ has been found to be the perpetrator of sexual or
6 physical abuse of a minor under 18 years of age pursuant to
7 proceedings under Article II of the Juvenile Court Act of 1987.
8 Each school board must consider the status of a person to
9 student teach who has been issued an indicated finding of abuse
10 or neglect of a child by the Department of Children and Family
11 Services under the Abused and Neglected Child Reporting Act or
12 by a child welfare agency of another jurisdiction.

13 (h) (Blank).

14 (Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

15 (105 ILCS 5/10-23.12) (from Ch. 122, par. 10-23.12)

16 Sec. 10-23.12. Child abuse and neglect; detection,
17 reporting, and prevention; willful or negligent failure to
18 report.

19 (a) To provide staff development for local school site
20 personnel who work with pupils in grades kindergarten through 8
21 in the detection, reporting, and prevention of child abuse and
22 neglect.

23 (b) The Department of Children and Family Services may, in
24 cooperation with school officials, distribute appropriate
25 materials in school buildings listing the toll-free telephone

1 number established in Section 7.6 of the Abused and Neglected
2 Child Reporting Act, including methods of making a report under
3 Section 7 of the Abused and Neglected Child Reporting Act, to
4 be displayed in a clearly visible location in each school
5 building.

6 (c) Except for an employee licensed under Article 21B of
7 this Code, if a school board determines that any school
8 district employee has willfully or negligently failed to report
9 an instance of suspected child abuse or neglect, as required by
10 the Abused and Neglected Child Reporting Act, then the school
11 board may dismiss that employee immediately upon that
12 determination. For purposes of this subsection (c), negligent
13 failure to report an instance of suspected child abuse or
14 neglect occurs when a school district employee personally
15 observes an instance of suspected child abuse or neglect and
16 reasonably believes, in his or her professional or official
17 capacity, that the instance constitutes an act of child abuse
18 or neglect under the Abused and Neglected Child Reporting Act,
19 and he or she, without willful intent, fails to immediately
20 report or cause a report to be made of the suspected abuse or
21 neglect to the Department of Children and Family Services, as
22 required by the Abused and Neglected Child Reporting Act.

23 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

24 (105 ILCS 5/21B-45)

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

1 (a) Individuals holding a Professional Educator License
2 are required to complete the licensure renewal requirements as
3 specified in this Section, unless otherwise provided in this
4 Code.

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

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

1 license until the date of reinstatement, shall be paid and kept
2 in accordance with the provisions in Article 3 of this Code
3 concerning an institute fund and the provisions in Article 21B
4 of this Code concerning fees and requirements for registration.
5 Licenses not registered in accordance with Section 21B-40 of
6 this Code shall lapse after a period of 6 months from the
7 expiration of the last year of registration or on January 1 of
8 the fiscal year following initial issuance of the license. An
9 unregistered license is invalid after September 1 for
10 employment and performance of services in an Illinois public or
11 State-operated school or cooperative and in a charter school.
12 Any license or endorsement may be voluntarily surrendered by
13 the license holder. A voluntarily surrendered license, ~~except a~~
14 ~~substitute teaching license issued under Section 21B-20 of this~~
15 ~~Code,~~ shall be treated as a revoked license. An Educator
16 License with Stipulations with only a paraprofessional
17 endorsement does not lapse.

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

25 (d) Beginning July 1, 2014, in order to satisfy the
26 requirements for licensure renewal provided for in this

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

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

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

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

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

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

24 (5) higher education coursework.

25 (e) For each renewal cycle, each professional educator
26 licensee shall engage in professional development activities.

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

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

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

19 (3) Any licensee with an administrative endorsement
20 who is working in a position requiring such endorsement or
21 an individual with a Teacher Leader endorsement serving in
22 an administrative capacity at least 50% of the day shall
23 complete one Illinois Administrators' Academy course, as
24 described in Article 2 of this Code, each fiscal year in
25 addition to 100 hours of professional development per
26 5-year renewal cycle in accordance with this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) The State Board of Education.

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

25 (3) Illinois professional associations representing
26 the following groups that are approved by the State

1 Superintendent of Education:

2 (A) school administrators;

3 (B) principals;

4 (C) school business officials;

5 (D) teachers, including special education
6 teachers;

7 (E) school boards;

8 (F) school districts;

9 (G) parents; and

10 (H) school service personnel.

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

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

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

26 (7) State agencies, State boards, and State

1 commissions.

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

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

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

10 (2) improve the learning of students;

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

13 (4) deepen educator's content knowledge;

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

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

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

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

23 (9) prepare educators to apply research to
24 decision-making.

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

1 (1) align professional development activities to the
2 State-approved national standards for professional
3 learning;

4 (2) meet the professional development criteria for
5 Illinois licensure renewal;

6 (3) produce a rationale for the activity that explains
7 how it aligns to State standards and identify the
8 assessment for determining the expected impact on student
9 learning or school improvement;

10 (4) maintain original documentation for completion of
11 activities;

12 (5) provide license holders with evidence of
13 completion of activities; ~~and~~

14 (6) request an Illinois Educator Identification Number
15 (IEIN) for each educator during each professional
16 development activity; ~~and~~.

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

21 (j) The State Board of Education shall conduct annual
22 audits of a subset of approved providers, except for school
23 districts, which shall be audited by regional offices of
24 education and intermediate service centers. The State Board of
25 Education shall ensure that each approved provider, except for
26 a school district, is audited at least once every 5 years. The

1 State Board of Education may conduct more frequent audits of
2 providers if evidence suggests the requirements of this Section
3 or administrative rules are not being met. ~~The State Board of~~
4 ~~Education shall complete random audits of licensees.~~

5 (1) (Blank).

6 (2) Approved providers shall comply with the
7 requirements in subsections (h) and (i) of this Section by
8 annually submitting data to the State Board of Education
9 demonstrating how the professional development activities
10 impacted one or more of the following:

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

13 (B) educator and student social and emotional
14 growth; or

15 (C) alignment to district or school improvement
16 plans.

17 (3) The State Superintendent of Education shall review
18 the annual data collected by the State Board of Education,
19 regional offices of education, and intermediate service
20 centers in audits to determine if the approved provider has
21 met the criteria and should continue to be an approved
22 provider or if further action should be taken as provided
23 in rules.

24 (k) Registration fees shall be paid for the next renewal
25 cycle between April 1 and June 30 in the last year of each
26 5-year renewal cycle using ELIS. If all required professional

1 development hours for the renewal cycle have been completed and
2 entered by the licensee, the licensee shall pay the
3 registration fees for the next cycle using a form of credit or
4 debit card.

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

20 (m) Appeals to the State Educator Preparation and Licensure
21 Board must be made within 30 days after receipt of notice from
22 the State Superintendent of Education that a license will not
23 be renewed based upon failure to complete the requirements of
24 this Section. A licensee may appeal that decision to the State
25 Educator Preparation and Licensure Board in a manner prescribed
26 by rule.

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

5 (2) The State Educator Preparation and Licensure Board
6 shall review each appeal regarding renewal of a license
7 within 90 days after receiving the appeal in order to
8 determine whether the licensee has met the requirements of
9 this Section. The State Educator Preparation and Licensure
10 Board may hold an appeal hearing or may make its
11 determination based upon the record of review, which shall
12 consist of the following:

13 (A) the regional superintendent of education's
14 rationale for recommending nonrenewal of the license,
15 if applicable;

16 (B) any evidence submitted to the State
17 Superintendent along with the individual's electronic
18 statement of assurance for renewal; and

19 (C) the State Superintendent's rationale for
20 nonrenewal of the license.

21 (3) The State Educator Preparation and Licensure Board
22 shall notify the licensee of its decision regarding license
23 renewal by certified mail, return receipt requested, no
24 later than 30 days after reaching a decision. Upon receipt
25 of notification of renewal, the licensee, using ELIS, shall
26 pay the applicable registration fee for the next cycle

1 using a form of credit or debit card.

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

4 (Source: P.A. 99-58, eff. 7-16-15; 99-130, eff. 7-24-15;
5 99-591, eff. 1-1-17; 99-642, eff. 7-28-16; 99-920, eff. 1-6-17;
6 100-13, eff. 7-1-17; 100-339, eff. 8-25-17; 100-596, eff.
7 7-1-18; 100-863, eff. 8-14-18.)

8 (105 ILCS 5/21B-75)

9 Sec. 21B-75. Suspension or revocation of license.

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

14 (b) The State Superintendent of Education has the exclusive
15 authority, in accordance with this Section and any rules
16 adopted by the State Board of Education, in consultation with
17 the State Educator Preparation and Licensure Board, to initiate
18 the suspension of up to 5 calendar years or revocation of any
19 license issued pursuant to this Article for abuse or neglect of
20 a child, immorality, a condition of health detrimental to the
21 welfare of pupils, incompetency, unprofessional conduct (which
22 includes the failure to disclose on an employment application
23 any previous conviction for a sex offense, as defined in
24 Section 21B-80 of this Code, or any other offense committed in
25 any other state or against the laws of the United States that,

1 if committed in this State, would be punishable as a sex
2 offense, as defined in Section 21B-80 of this Code), the
3 neglect of any professional duty, willful or negligent failure
4 to report an instance of suspected child abuse or neglect as
5 required by the Abused and Neglected Child Reporting Act, or
6 other just cause. Negligent failure to report an instance of
7 suspected child abuse or neglect occurs when a teacher
8 personally observes an instance of suspected child abuse or
9 neglect and reasonably believes, in his or her professional or
10 official capacity, that the instance constitutes an act of
11 child abuse or neglect under the Abused and Neglected Child
12 Reporting Act, and he or she, without willful intent, fails to
13 immediately report or cause a report to be made of the
14 suspected abuse or neglect to the Department of Children and
15 Family Services, as required by the Abused and Neglected Child
16 Reporting Act. Unprofessional conduct shall include the
17 refusal to attend or participate in institutes, teachers'
18 meetings, or professional readings or to meet other reasonable
19 requirements of the regional superintendent of schools or State
20 Superintendent of Education. Unprofessional conduct also
21 includes conduct that violates the standards, ethics, or rules
22 applicable to the security, administration, monitoring, or
23 scoring of or the reporting of scores from any assessment test
24 or examination administered under Section 2-3.64a-5 of this
25 Code or that is known or intended to produce or report
26 manipulated or artificial, rather than actual, assessment or

1 achievement results or gains from the administration of those
2 tests or examinations. Unprofessional conduct shall also
3 include neglect or unnecessary delay in the making of
4 statistical and other reports required by school officers.
5 Incompetency shall include, without limitation, 2 or more
6 school terms of service for which the license holder has
7 received an unsatisfactory rating on a performance evaluation
8 conducted pursuant to Article 24A of this Code within a period
9 of 7 school terms of service. In determining whether to
10 initiate action against one or more licenses based on
11 incompetency and the recommended sanction for such action, the
12 State Superintendent shall consider factors that include
13 without limitation all of the following:

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

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

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

25 (4) The time between the unsatisfactory evaluation
26 ratings.

1 (5) The quality of the remediation plans associated
2 with the unsatisfactory evaluation ratings and whether the
3 license holder successfully completed the remediation
4 plans.

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

8 (7) Whether one or more of the unsatisfactory
9 evaluation ratings occurred in the first year of a teaching
10 or administrative assignment.

11 When initiating an action against one or more licenses, the
12 State Superintendent may seek required professional
13 development as a sanction in lieu of or in addition to
14 suspension or revocation. Any such required professional
15 development must be at the expense of the license holder, who
16 may use, if available and applicable to the requirements
17 established by administrative or court order, training,
18 coursework, or other professional development funds in
19 accordance with the terms of an applicable collective
20 bargaining agreement entered into after June 13, 2011 (the
21 effective date of Public Act 97-8), unless that agreement
22 specifically precludes use of funds for such purpose.

23 (c) The State Superintendent of Education shall, upon
24 receipt of evidence of abuse or neglect of a child, immorality,
25 a condition of health detrimental to the welfare of pupils,
26 incompetency (subject to subsection (b) of this Section),

1 unprofessional conduct, the neglect of any professional duty,
2 or other just cause, further investigate and, if and as
3 appropriate, serve written notice to the individual and afford
4 the individual opportunity for a hearing prior to suspension,
5 revocation, or other sanction; provided that the State
6 Superintendent is under no obligation to initiate such an
7 investigation if the Department of Children and Family Services
8 is investigating the same or substantially similar allegations
9 and its child protective service unit has not made its
10 determination, as required under Section 7.12 of the Abused and
11 Neglected Child Reporting Act. If the State Superintendent of
12 Education does not receive from an individual a request for a
13 hearing within 10 days after the individual receives notice,
14 the suspension, revocation, or other sanction shall
15 immediately take effect in accordance with the notice. If a
16 hearing is requested within 10 days after notice of an
17 opportunity for hearing, it shall act as a stay of proceedings
18 until the State Educator Preparation and Licensure Board issues
19 a decision. Any hearing shall take place in the educational
20 service region where the educator is or was last employed and
21 in accordance with rules adopted by the State Board of
22 Education, in consultation with the State Educator Preparation
23 and Licensure Board, and such rules shall include without
24 limitation provisions for discovery and the sharing of
25 information between parties prior to the hearing. The standard
26 of proof for any administrative hearing held pursuant to this

1 Section shall be by the preponderance of the evidence. The
2 decision of the State Educator Preparation and Licensure Board
3 is a final administrative decision and is subject to judicial
4 review by appeal of either party.

5 The State Board of Education may refuse to issue or may
6 suspend the license of any person who fails to file a return or
7 to pay the tax, penalty, or interest shown in a filed return or
8 to pay any final assessment of tax, penalty, or interest, as
9 required by any tax Act administered by the Department of
10 Revenue, until such time as the requirements of any such tax
11 Act are satisfied.

12 The exclusive authority of the State Superintendent of
13 Education to initiate suspension or revocation of a license
14 pursuant to this Section does not preclude a regional
15 superintendent of schools from cooperating with the State
16 Superintendent or a State's Attorney with respect to an
17 investigation of alleged misconduct.

18 (d) The State Superintendent of Education or his or her
19 designee may initiate and conduct such investigations as may be
20 reasonably necessary to establish the existence of any alleged
21 misconduct. At any stage of the investigation, the State
22 Superintendent may issue a subpoena requiring the attendance
23 and testimony of a witness, including the license holder, and
24 the production of any evidence, including files, records,
25 correspondence, or documents, relating to any matter in
26 question in the investigation. The subpoena shall require a

1 witness to appear at the State Board of Education at a
2 specified date and time and shall specify any evidence to be
3 produced. The license holder is not entitled to be present, but
4 the State Superintendent shall provide the license holder with
5 a copy of any recorded testimony prior to a hearing under this
6 Section. Such recorded testimony must not be used as evidence
7 at a hearing, unless the license holder has adequate notice of
8 the testimony and the opportunity to cross-examine the witness.
9 Failure of a license holder to comply with a duly issued,
10 investigatory subpoena may be grounds for revocation,
11 suspension, or denial of a license.

12 (e) All correspondence, documentation, and other
13 information so received by the regional superintendent of
14 schools, the State Superintendent of Education, the State Board
15 of Education, or the State Educator Preparation and Licensure
16 Board under this Section is confidential and must not be
17 disclosed to third parties, except (i) as necessary for the
18 State Superintendent of Education or his or her designee to
19 investigate and prosecute pursuant to this Article, (ii)
20 pursuant to a court order, (iii) for disclosure to the license
21 holder or his or her representative, or (iv) as otherwise
22 required in this Article and provided that any such information
23 admitted into evidence in a hearing is exempt from this
24 confidentiality and non-disclosure requirement.

25 (f) The State Superintendent of Education or a person
26 designated by him or her shall have the power to administer

1 oaths to witnesses at any hearing conducted before the State
2 Educator Preparation and Licensure Board pursuant to this
3 Section. The State Superintendent of Education or a person
4 designated by him or her is authorized to subpoena and bring
5 before the State Educator Preparation and Licensure Board any
6 person in this State and to take testimony either orally or by
7 deposition or by exhibit, with the same fees and mileage and in
8 the same manner as prescribed by law in judicial proceedings in
9 civil cases in circuit courts of this State.

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

18 (h) The State Board of Education shall receive an annual
19 line item appropriation to cover fees associated with the
20 investigation and prosecution of alleged educator misconduct
21 and hearings related thereto.

22 (Source: P.A. 100-872, eff. 8-14-18.)

23 (105 ILCS 5/21B-80)

24 Sec. 21B-80. Conviction of certain offenses as grounds for
25 disqualification for licensure or suspension or revocation of a

1 license.

2 (a) As used in this Section:

3 "Drug offense" means any one or more of the following
4 offenses:

5 (1) Any offense defined in the Cannabis Control Act,
6 except those defined in subdivisions (a), (b), and (c) of
7 Section 4 and subdivisions (a) and (b) of Section 5 of the
8 Cannabis Control Act and any offense for which the holder
9 of a license is placed on probation under the provisions of
10 Section 10 of the Cannabis Control Act, provided that if
11 the terms and conditions of probation required by the court
12 are not fulfilled, the offense is not eligible for this
13 exception.

14 (2) Any offense defined in the Illinois Controlled
15 Substances Act, except any offense for which the holder of
16 a license is placed on probation under the provisions of
17 Section 410 of the Illinois Controlled Substances Act,
18 provided that if the terms and conditions of probation
19 required by the court are not fulfilled, the offense is not
20 eligible for this exception.

21 (3) Any offense defined in the Methamphetamine Control
22 and Community Protection Act, except any offense for which
23 the holder of a license is placed on probation under the
24 provision of Section 70 of that Act, provided that if the
25 terms and conditions of probation required by the court are
26 not fulfilled, the offense is not eligible for this

1 exception.

2 (4) Any attempt to commit any of the offenses listed in
3 items (1) through (3) of this definition.

4 (5) Any offense committed or attempted in any other
5 state or against the laws of the United States that, if
6 committed or attempted in this State, would have been
7 punishable as one or more of the offenses listed in items
8 (1) through (4) of this definition.

9 The changes made by Public Act 96-431 to this definition are
10 declaratory of existing law.

11 "Sentence" includes any period of supervised release
12 ~~supervision~~ or probation that was imposed either alone or in
13 combination with a period of incarceration.

14 "Sex or other offense" means any one or more of the
15 following offenses:

16 (A) Any offense defined in Sections 11-6, 11-9 through
17 11-9.5, inclusive, and 11-30 (if punished as a Class 4
18 felony) of the Criminal Code of 1961 or the Criminal Code
19 of 2012; Sections 11-14.1 through 11-21, inclusive, of the
20 Criminal Code of 1961 or the Criminal Code of 2012;
21 Sections 11-23 (if punished as a Class 3 felony), 11-24,
22 11-25, and 11-26 of the Criminal Code of 1961 or the
23 Criminal Code of 2012; Section 10-5.1, subsection (c) of
24 Section 10-9, and Sections 11-6.6, 11-11, 12-3.05, 12-3.3,
25 12-6.4, 12-7.1, 12-34, 12-34.5, and 12-35 of the Criminal
26 Code of 2012; and Sections 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, ~~12-4.9~~, 12-13, 12-14, 12-14.1, 12-15,
2 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant
3 to subdivision (4) or (5) of subsection (d) of Section
4 26-4) of the Criminal Code of 1961 or the Criminal Code of
5 2012.

6 (B) Any attempt to commit any of the offenses listed in
7 item (A) of this definition.

8 (C) Any offense committed or attempted in any other
9 state that, if committed or attempted in this State, would
10 have been punishable as one or more of the offenses listed
11 in items (A) and (B) of this definition.

12 (b) Whenever the holder of any license issued pursuant to
13 this Article or applicant for a license to be issued pursuant
14 to this Article has been convicted of any drug offense, other
15 than as provided in subsection (c) of this Section, the State
16 Superintendent of Education shall forthwith suspend the
17 license or deny the application, whichever is applicable, until
18 7 years following the end of the sentence for the criminal
19 offense. If the conviction is reversed and the holder is
20 acquitted of the offense in a new trial or the charges against
21 him or her are dismissed, the State Superintendent of Education
22 shall forthwith terminate the suspension of the license.

23 (b-5) Whenever the holder of a license issued pursuant to
24 this Article or applicant for a license to be issued pursuant
25 to this Article has been charged with attempting to commit,
26 conspiring to commit, soliciting, or committing any sex or

1 other offense, as enumerated under item (A) of subsection (a),
2 first degree murder, or a Class X felony or any offense
3 committed or attempted in any other state or against the laws
4 of the United States that, if committed or attempted in this
5 State, would have been punishable as one or more of the
6 foregoing offenses, the State Superintendent of Education
7 shall immediately suspend the license or deny the application
8 until the person's criminal charges are adjudicated through a
9 court of competent jurisdiction. If the person is acquitted,
10 his or her license or application shall be immediately
11 reinstated.

12 (c) Whenever the holder of a license issued pursuant to
13 this Article or applicant for a license to be issued pursuant
14 to this Article has been convicted of attempting to commit,
15 conspiring to commit, soliciting, or committing any sex or
16 other offense, as enumerated under item (A) of subsection (a),
17 first degree murder, or a Class X felony or 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 one or more of the
21 foregoing offenses, the State Superintendent of Education
22 shall forthwith suspend the license or deny the application,
23 whichever is applicable. If the conviction is reversed and the
24 holder is acquitted of that offense in a new trial or the
25 charges that he or she committed that offense are dismissed,
26 the State Superintendent of Education shall forthwith

1 terminate the suspension of the license. When the conviction
2 becomes final, the State Superintendent of Education shall
3 forthwith revoke the license.

4 (Source: P.A. 99-58, eff. 7-16-15; 99-667, eff. 7-29-16.)

5 (105 ILCS 5/22-85 new)

6 Sec. 22-85. Sexual abuse at schools.

7 (a) The General Assembly finds that:

8 (1) investigation of a child regarding an incident of
9 sexual abuse can induce significant trauma for the child;

10 (2) it is desirable to prevent multiple interviews of a
11 child at a school; and

12 (3) it is important to recognize the role of Children's
13 Advocacy Centers in conducting developmentally appropriate
14 investigations.

15 (b) In this Section:

16 "Alleged incident of sexual abuse" is limited to an
17 incident of sexual abuse of a child that is alleged to have
18 been perpetrated by school personnel, including a school vendor
19 or volunteer, that occurred (i) on school grounds or during a
20 school activity or (ii) outside of school grounds or not during
21 a school activity.

22 "Appropriate law enforcement agency" means a law
23 enforcement agency whose employees have been involved, in some
24 capacity, with an investigation of a particular alleged
25 incident of sexual abuse.

1 (c) If a mandated reporter within a school has knowledge of
2 an alleged incident of sexual abuse, the reporter must call the
3 Department of Children and Family Services' hotline
4 established under Section 7.6 of the Abused and Neglected Child
5 Reporting Act immediately after obtaining the minimal
6 information necessary to make a report, including the names of
7 the affected parties and the allegations. The State Board of
8 Education must make available materials detailing the
9 information that is necessary to enable notification to the
10 Department of Children and Family Services of an alleged
11 incident of sexual abuse. Each school must ensure that mandated
12 reporters review the State Board of Education's materials and
13 materials developed by the Department of Children and Family
14 Services and distributed in the school building under Section 7
15 of the Abused and Neglected Child Reporting Act at least once
16 annually.

17 (d) For schools in a county with an accredited Children's
18 Advocacy Center, every alleged incident of sexual abuse that is
19 reported to the Department of Children and Family Services'
20 hotline or a law enforcement agency and is subsequently
21 accepted for investigation must be referred by the entity that
22 received the report to the local Children's Advocacy Center
23 pursuant to that county's multidisciplinary team's protocol
24 under the Children's Advocacy Center Act for investigating
25 child sexual abuse allegations.

26 (e) A county's local Children's Advocacy Center must, at a

1 minimum, do both of the following regarding a referred case of
2 an alleged incident of sexual abuse:

3 (1) Coordinate the investigation of the alleged
4 incident, as governed by the local Children's Advocacy
5 Center's existing multidisciplinary team protocol and
6 according to National Children's Alliance accreditation
7 standards.

8 (2) Facilitate communication between the
9 multidisciplinary team investigating the alleged incident
10 of sexual abuse and, if applicable, the referring school's
11 (i) Title IX officer, or his or her designee, (ii) school
12 resource officer, or (iii) personnel leading the school's
13 investigation into the alleged incident of sexual abuse. If
14 a school uses a designated entity to investigate a sexual
15 abuse allegation, the multidisciplinary team may
16 correspond only with that entity and any reference in this
17 Section to "school" refers to that designated entity. This
18 facilitation of communication must, at a minimum, ensure
19 that all applicable parties have each other's contact
20 information and must share the county's local Children's
21 Advocacy Center's protocol regarding the process of
22 approving the viewing of a forensic interview, as defined
23 under Section 2.5 of the Children's Advocacy Center Act, by
24 school personnel and a contact person for questions
25 relating to the protocol.

26 (f) After an alleged incident of sexual abuse is accepted

1 for investigation by the Department of Children and Family
2 Services or a law enforcement agency and while the criminal and
3 child abuse investigations related to that alleged incident are
4 being conducted by the local multidisciplinary team, the school
5 relevant to the alleged incident of sexual abuse must comply
6 with both of the following:

7 (1) It may not interview the alleged victim regarding
8 details of the alleged incident of sexual abuse until after
9 the completion of the forensic interview of that victim is
10 conducted at a Children's Advocacy Center. This paragraph
11 does not prohibit a school from requesting information from
12 the alleged victim or his or her parent or guardian to
13 ensure the safety and well-being of the alleged victim at
14 school during an investigation.

15 (2) If asked by a law enforcement agency or an
16 investigator of the Department of Children and Family
17 Services who is conducting the investigation, it must
18 inform those individuals of any evidence the school has
19 gathered pertaining to an alleged incident of sexual abuse,
20 as permissible by federal or State law.

21 (g) After completion of a forensic interview, the
22 multidisciplinary team must notify the school relevant to the
23 alleged incident of sexual abuse of its completion. If, for any
24 reason, a multidisciplinary team determines it will not conduct
25 a forensic interview in a specific investigation, the
26 multidisciplinary team must notify the school as soon as the

1 determination is made. If a forensic interview has not been
2 conducted within 15 calendar days after opening an
3 investigation, the school may notify the multidisciplinary
4 team that it intends to interview the alleged victim. No later
5 than 10 calendar days after this notification, the
6 multidisciplinary team may conduct the forensic interview and,
7 if the multidisciplinary team does not conduct the interview,
8 the school may proceed with its interview.

9 (h) To the greatest extent possible considering student
10 safety and Title IX compliance, school personnel may view the
11 electronic recordings of a forensic interview of an alleged
12 victim of an incident of sexual abuse. As a means to avoid
13 additional interviews of an alleged victim, school personnel
14 must be granted viewing access to the electronic recording of a
15 forensic interview conducted at an accredited Children's
16 Advocacy Center for an alleged incident of sexual abuse only if
17 the school receives (i) approval from the multidisciplinary
18 team investigating the case and (ii) informed consent by a
19 child over the age of 13 or the child's parent or guardian.
20 Each county's local Children's Advocacy Center and
21 multidisciplinary team must establish an internal protocol
22 regarding the process of approving the viewing of the forensic
23 interview, and this process and the contact person must be
24 shared with the school contact at the time of the initial
25 facilitation. Whenever possible, the school's viewing of the
26 electronic recording of a forensic interview should be

1 conducted in lieu of the need for additional interviews.

2 (i) For an alleged incident of sexual abuse that has been
3 accepted for investigation by a multidisciplinary team, if,
4 during the course of its internal investigation and at any
5 point during or after the multidisciplinary team's
6 investigation, the school determines that it needs to interview
7 the alleged victim to successfully complete its investigation
8 and the victim is under 18 years of age, a child advocate must
9 be made available to the student and may be present during the
10 school's interview. A child advocate may be a school social
11 worker, a school or equally qualified psychologist, or a person
12 in a position the State Board of Education has identified as an
13 appropriate advocate for the student during a school's
14 investigation into an alleged incident of sexual abuse.

15 (j) The Department of Children and Family Services must
16 notify the relevant school when an agency investigation of an
17 alleged incident of sexual abuse is complete. The notification
18 must include information on the outcome of that investigation.

19 (k) The appropriate law enforcement agency must notify the
20 relevant school when an agency investigation of an alleged
21 incident of sexual abuse is complete or has been suspended. The
22 notification must include information on the outcome of that
23 investigation.

24 (l) This Section applies to all schools operating under
25 this Code, including, but not limited to, public schools
26 located in cities having a population of more than 500,000, a

1 school operated pursuant to an agreement with a public school
2 district, alternative schools operated by third parties, an
3 alternative learning opportunities program, a public school
4 administered by a local public agency or the Department of
5 Human Services, charter schools operating under the authority
6 of Article 27A, and non-public schools recognized by the State
7 Board of Education.

8 (105 ILCS 5/22-86 new)

9 Sec. 22-86. Make Sexual and Severe Physical Abuse Fully
10 Extinct (Make S.A.F.E.) Task Force.

11 (a) The General Assembly finds that the most precious
12 resource in this State is our children. The General Assembly
13 also finds that the protection of children from sexual abuse
14 and exploitation is at the core of the duties and fundamental
15 responsibilities of the General Assembly and is of the utmost
16 importance.

17 (b) The Make Sexual and Severe Physical Abuse Fully Extinct
18 (Make S.A.F.E.) Task Force is created to address issues
19 concerning the sexual abuse of students in school-related
20 settings. The Task Force shall consist of all of the following
21 members, who must be appointed no later than 60 days after the
22 effective date of this amendatory Act of the 101st General
23 Assembly:

24 (1) One representative appointed by the Speaker of the
25 House of Representatives.

1 (2) One representative appointed by the Minority
2 Leader of the House of Representatives.

3 (3) One senator appointed by the President of the
4 Senate.

5 (4) One senator appointed by the Minority Leader of the
6 Senate.

7 (5) One member who represents the Children's Advocacy
8 Centers of Illinois appointed by the State Superintendent
9 of Education.

10 (6) The Executive Director of an urban, accredited
11 Children's Advocacy Center appointed by the State
12 Superintendent of Education.

13 (7) The Executive Director of a suburban, accredited
14 Children's Advocacy Center appointed by the State
15 Superintendent of Education.

16 (8) The Executive Director of a rural, accredited
17 Children's Advocacy Center appointed by the State
18 Superintendent of Education.

19 (9) One representative of the State Board of Education
20 appointed by the State Superintendent of Education.

21 (10) One member representing a State's Attorney's
22 office appointed by the State Superintendent of Education.

23 (11) One member representing a statewide organization
24 that unites the services and resources of rape crisis
25 centers, alleviates the suffering of sexual assault
26 survivors, and helps build communities appointed by the

1 State Superintendent of Education.

2 (12) One member representing the Department of State
3 Police appointed by the State Superintendent of Education.

4 (13) One member representing the Department of
5 Children and Family Services appointed by the State
6 Superintendent of Education.

7 (14) One member representing the Office of the Attorney
8 General appointed by the State Superintendent of
9 Education.

10 (15) One member representing a statewide organization
11 representing suburban school districts appointed by the
12 State Superintendent of Education.

13 (16) One member representing a statewide professional
14 teachers' organization appointed by the State
15 Superintendent of Education.

16 (17) One member representing a different statewide
17 professional teachers' organization appointed by the State
18 Superintendent of Education.

19 (18) One member representing a professional teachers'
20 organization in a city having a population of over 500,000
21 appointed by the State Superintendent of Education.

22 (19) One member representing a school district
23 organized under Article 34 appointed by the State
24 Superintendent of Education.

25 (20) One member representing the investigating body of
26 a school district organized under Article 34 appointed by

1 the State Superintendent of Education.

2 (21) One member representing a statewide organization
3 that represents social workers appointed by the State
4 Superintendent of Education.

5 (22) One member representing a charter schools'
6 organization in this State appointed by the State
7 Superintendent of Education.

8 (23) One member representing a statewide organization
9 that represents principals appointed by the State
10 Superintendent of Education.

11 (24) One member representing a statewide organization
12 that represents superintendents appointed by the State
13 Superintendent of Education.

14 (25) One member representing a statewide organization
15 that represents school boards appointed by the State
16 Superintendent of Education.

17 (c) The Task Force shall first meet at the call of the
18 State Superintendent of Education, and each subsequent meeting
19 shall be at the call of the Chairperson, who shall be
20 designated by the State Superintendent of Education. The State
21 Board of Education shall provide administrative and other
22 support to the Task Force. Members of the Task Force shall
23 serve without compensation.

24 (d) The Task Force shall review the best practices for
25 preventing the sexual abuse of students in a school-related
26 setting or by school-related perpetrators, including school

1 district employees or other students, how to best address that
2 abuse, and the proper support for students who have suffered
3 from that abuse. The review shall examine the best practices at
4 all schools maintaining prekindergarten through grade 12,
5 regardless of whether the school is a public school, nonpublic
6 school, or charter school. On or before September 15, 2020, the
7 Task Force must report the findings of its review to the
8 Governor and the General Assembly, which must, at a minimum,
9 include all of the following topics:

10 (1) The best practices for preventing sexual and severe
11 physical abuse in school-related settings or by
12 school-related perpetrators, including, but not limited
13 to, criminal history records checks for school district
14 employees, the employment status of a school employee
15 accused of sexual abuse of a student, and procedural
16 safeguards for personnel who regularly interact with
17 children as part of school or school activities, even if
18 the personnel are not officially employed by a school
19 district.

20 (2) The best practices for addressing sexual and severe
21 physical abuse in a school-related setting or by
22 school-related perpetrators, including, but not limited
23 to, the nature and amount of forensic interviews and
24 forensic interview information sharing, school cooperation
25 with multidisciplinary teams under the Children's Advocacy
26 Center Act, and model school policies.

1 (3) The best practices for support for students who
2 have suffered sexual or severe physical abuse in a
3 school-related setting or by a school-related perpetrator,
4 including, but not limited to, emotional, psychological,
5 and academic support.

6 (4) Any other topic the Task Force deems necessary to
7 advance the safety or well-being of students in relation to
8 sexual and severe physical abuse stemming from a
9 school-related setting or school-related perpetrator.

10 The Task Force is dissolved upon submission of the report
11 under this subsection.

12 (e) This Section is repealed on March 15, 2021.

13 (105 ILCS 5/24-12) (from Ch. 122, par. 24-12)

14 Sec. 24-12. Removal or dismissal of teachers in contractual
15 continued service.

16 (a) This subsection (a) applies only to honorable
17 dismissals and recalls in which the notice of dismissal is
18 provided on or before the end of the 2010-2011 school term. If
19 a teacher in contractual continued service is removed or
20 dismissed as a result of a decision of the board to decrease
21 the number of teachers employed by the board or to discontinue
22 some particular type of teaching service, written notice shall
23 be mailed to the teacher and also given the teacher either by
24 certified mail, return receipt requested or personal delivery
25 with receipt at least 60 days before the end of the school

1 term, together with a statement of honorable dismissal and the
2 reason therefor, and in all such cases the board shall first
3 remove or dismiss all teachers who have not entered upon
4 contractual continued service before removing or dismissing
5 any teacher who has entered upon contractual continued service
6 and who is legally qualified to hold a position currently held
7 by a teacher who has not entered upon contractual continued
8 service.

9 As between teachers who have entered upon contractual
10 continued service, the teacher or teachers with the shorter
11 length of continuing service with the district shall be
12 dismissed first unless an alternative method of determining the
13 sequence of dismissal is established in a collective bargaining
14 agreement or contract between the board and a professional
15 faculty members' organization and except that this provision
16 shall not impair the operation of any affirmative action
17 program in the district, regardless of whether it exists by
18 operation of law or is conducted on a voluntary basis by the
19 board. Any teacher dismissed as a result of such decrease or
20 discontinuance shall be paid all earned compensation on or
21 before the third business day following the last day of pupil
22 attendance in the regular school term.

23 If the board has any vacancies for the following school
24 term or within one calendar year from the beginning of the
25 following school term, the positions thereby becoming
26 available shall be tendered to the teachers so removed or

1 dismissed so far as they are legally qualified to hold such
2 positions; provided, however, that if the number of honorable
3 dismissal notices based on economic necessity exceeds 15% of
4 the number of full-time ~~full-time~~ equivalent positions filled
5 by certified employees (excluding principals and
6 administrative personnel) during the preceding school year,
7 then if the board has any vacancies for the following school
8 term or within 2 calendar years from the beginning of the
9 following school term, the positions so becoming available
10 shall be tendered to the teachers who were so notified and
11 removed or dismissed whenever they are legally qualified to
12 hold such positions. Each board shall, in consultation with any
13 exclusive employee representatives, each year establish a
14 list, categorized by positions, showing the length of
15 continuing service of each teacher who is qualified to hold any
16 such positions, unless an alternative method of determining a
17 sequence of dismissal is established as provided for in this
18 Section, in which case a list shall be made in accordance with
19 the alternative method. Copies of the list shall be distributed
20 to the exclusive employee representative on or before February
21 1 of each year. Whenever the number of honorable dismissal
22 notices based upon economic necessity exceeds 5, or 150% of the
23 average number of teachers honorably dismissed in the preceding
24 3 years, whichever is more, then the board also shall hold a
25 public hearing on the question of the dismissals. Following the
26 hearing and board review, the action to approve any such

1 reduction shall require a majority vote of the board members.

2 (b) This subsection (b) applies only to honorable
3 dismissals and recalls in which the notice of dismissal is
4 provided during the 2011-2012 school term or a subsequent
5 school term. If any teacher, whether or not in contractual
6 continued service, is removed or dismissed as a result of a
7 decision of a school board to decrease the number of teachers
8 employed by the board, a decision of a school board to
9 discontinue some particular type of teaching service, or a
10 reduction in the number of programs or positions in a special
11 education joint agreement, then written notice must be mailed
12 to the teacher and also given to the teacher either by
13 certified mail, return receipt requested, or personal delivery
14 with receipt at least 45 days before the end of the school
15 term, together with a statement of honorable dismissal and the
16 reason therefor, and in all such cases the sequence of
17 dismissal shall occur in accordance with this subsection (b);
18 except that this subsection (b) shall not impair the operation
19 of any affirmative action program in the school district,
20 regardless of whether it exists by operation of law or is
21 conducted on a voluntary basis by the board.

22 Each teacher must be categorized into one or more positions
23 for which the teacher is qualified to hold, based upon legal
24 qualifications and any other qualifications established in a
25 district or joint agreement job description, on or before the
26 May 10 prior to the school year during which the sequence of

1 dismissal is determined. Within each position and subject to
2 agreements made by the joint committee on honorable dismissals
3 that are authorized by subsection (c) of this Section, the
4 school district or joint agreement must establish 4 groupings
5 of teachers qualified to hold the position as follows:

6 (1) Grouping one shall consist of each teacher who is
7 not in contractual continued service and who (i) has not
8 received a performance evaluation rating, (ii) is employed
9 for one school term or less to replace a teacher on leave,
10 or (iii) is employed on a part-time basis. "Part-time
11 basis" for the purposes of this subsection (b) means a
12 teacher who is employed to teach less than a full-day,
13 teacher workload or less than 5 days of the normal student
14 attendance week, unless otherwise provided for in a
15 collective bargaining agreement between the district and
16 the exclusive representative of the district's teachers.
17 For the purposes of this Section, a teacher (A) who is
18 employed as a full-time teacher but who actually teaches or
19 is otherwise present and participating in the district's
20 educational program for less than a school term or (B) who,
21 in the immediately previous school term, was employed on a
22 full-time basis and actually taught or was otherwise
23 present and participated in the district's educational
24 program for 120 days or more is not considered employed on
25 a part-time basis.

26 (2) Grouping 2 shall consist of each teacher with a

1 Needs Improvement or Unsatisfactory performance evaluation
2 rating on either of the teacher's last 2 performance
3 evaluation ratings.

4 (3) Grouping 3 shall consist of each teacher with a
5 performance evaluation rating of at least Satisfactory or
6 Proficient on both of the teacher's last 2 performance
7 evaluation ratings, if 2 ratings are available, or on the
8 teacher's last performance evaluation rating, if only one
9 rating is available, unless the teacher qualifies for
10 placement into grouping 4.

11 (4) Grouping 4 shall consist of each teacher whose last
12 2 performance evaluation ratings are Excellent and each
13 teacher with 2 Excellent performance evaluation ratings
14 out of the teacher's last 3 performance evaluation ratings
15 with a third rating of Satisfactory or Proficient.

16 Among teachers qualified to hold a position, teachers must
17 be dismissed in the order of their groupings, with teachers in
18 grouping one dismissed first and teachers in grouping 4
19 dismissed last.

20 Within grouping one, the sequence of dismissal must be at
21 the discretion of the school district or joint agreement.
22 Within grouping 2, the sequence of dismissal must be based upon
23 average performance evaluation ratings, with the teacher or
24 teachers with the lowest average performance evaluation rating
25 dismissed first. A teacher's average performance evaluation
26 rating must be calculated using the average of the teacher's

1 last 2 performance evaluation ratings, if 2 ratings are
2 available, or the teacher's last performance evaluation
3 rating, if only one rating is available, using the following
4 numerical values: 4 for Excellent; 3 for Proficient or
5 Satisfactory; 2 for Needs Improvement; and 1 for
6 Unsatisfactory. As between or among teachers in grouping 2 with
7 the same average performance evaluation rating and within each
8 of groupings 3 and 4, the teacher or teachers with the shorter
9 length of continuing service with the school district or joint
10 agreement must be dismissed first unless an alternative method
11 of determining the sequence of dismissal is established in a
12 collective bargaining agreement or contract between the board
13 and a professional faculty members' organization.

14 Each board, including the governing board of a joint
15 agreement, shall, in consultation with any exclusive employee
16 representatives, each year establish a sequence of honorable
17 dismissal list categorized by positions and the groupings
18 defined in this subsection (b). Copies of the list showing each
19 teacher by name and categorized by positions and the groupings
20 defined in this subsection (b) must be distributed to the
21 exclusive bargaining representative at least 75 days before the
22 end of the school term, provided that the school district or
23 joint agreement may, with notice to any exclusive employee
24 representatives, move teachers from grouping one into another
25 grouping during the period of time from 75 days until 45 days
26 before the end of the school term. Each year, each board shall

1 also establish, in consultation with any exclusive employee
2 representatives, a list showing the length of continuing
3 service of each teacher who is qualified to hold any such
4 positions, unless an alternative method of determining a
5 sequence of dismissal is established as provided for in this
6 Section, in which case a list must be made in accordance with
7 the alternative method. Copies of the list must be distributed
8 to the exclusive employee representative at least 75 days
9 before the end of the school term.

10 Any teacher dismissed as a result of such decrease or
11 discontinuance must be paid all earned compensation on or
12 before the third business day following the last day of pupil
13 attendance in the regular school term.

14 If the board or joint agreement has any vacancies for the
15 following school term or within one calendar year from the
16 beginning of the following school term, the positions thereby
17 becoming available must be tendered to the teachers so removed
18 or dismissed who were in groupings 3 or 4 of the sequence of
19 dismissal and are qualified to hold the positions, based upon
20 legal qualifications and any other qualifications established
21 in a district or joint agreement job description, on or before
22 the May 10 prior to the date of the positions becoming
23 available, provided that if the number of honorable dismissal
24 notices based on economic necessity exceeds 15% of the number
25 of full-time equivalent positions filled by certified
26 employees (excluding principals and administrative personnel)

1 during the preceding school year, then the recall period is for
2 the following school term or within 2 calendar years from the
3 beginning of the following school term. If the board or joint
4 agreement has any vacancies within the period from the
5 beginning of the following school term through February 1 of
6 the following school term (unless a date later than February 1,
7 but no later than 6 months from the beginning of the following
8 school term, is established in a collective bargaining
9 agreement), the positions thereby becoming available must be
10 tendered to the teachers so removed or dismissed who were in
11 grouping 2 of the sequence of dismissal due to one "needs
12 improvement" rating on either of the teacher's last 2
13 performance evaluation ratings, provided that, if 2 ratings are
14 available, the other performance evaluation rating used for
15 grouping purposes is "satisfactory", "proficient", or
16 "excellent", and are qualified to hold the positions, based
17 upon legal qualifications and any other qualifications
18 established in a district or joint agreement job description,
19 on or before the May 10 prior to the date of the positions
20 becoming available. On and after July 1, 2014 (the effective
21 date of Public Act 98-648) ~~this amendatory Act of the 98th~~
22 ~~General Assembly~~, the preceding sentence shall apply to
23 teachers removed or dismissed by honorable dismissal, even if
24 notice of honorable dismissal occurred during the 2013-2014
25 school year. Among teachers eligible for recall pursuant to the
26 preceding sentence, the order of recall must be in inverse

1 order of dismissal, unless an alternative order of recall is
2 established in a collective bargaining agreement or contract
3 between the board and a professional faculty members'
4 organization. Whenever the number of honorable dismissal
5 notices based upon economic necessity exceeds 5 notices or 150%
6 of the average number of teachers honorably dismissed in the
7 preceding 3 years, whichever is more, then the school board or
8 governing board of a joint agreement, as applicable, shall also
9 hold a public hearing on the question of the dismissals.
10 Following the hearing and board review, the action to approve
11 any such reduction shall require a majority vote of the board
12 members.

13 For purposes of this subsection (b), subject to agreement
14 on an alternative definition reached by the joint committee
15 described in subsection (c) of this Section, a teacher's
16 performance evaluation rating means the overall performance
17 evaluation rating resulting from an annual or biennial
18 performance evaluation conducted pursuant to Article 24A of
19 this Code by the school district or joint agreement determining
20 the sequence of dismissal, not including any performance
21 evaluation conducted during or at the end of a remediation
22 period. No more than one evaluation rating each school term
23 shall be one of the evaluation ratings used for the purpose of
24 determining the sequence of dismissal. Except as otherwise
25 provided in this subsection for any performance evaluations
26 conducted during or at the end of a remediation period, if

1 multiple performance evaluations are conducted in a school
2 term, only the rating from the last evaluation conducted prior
3 to establishing the sequence of honorable dismissal list in
4 such school term shall be the one evaluation rating from that
5 school term used for the purpose of determining the sequence of
6 dismissal. Averaging ratings from multiple evaluations is not
7 permitted unless otherwise agreed to in a collective bargaining
8 agreement or contract between the board and a professional
9 faculty members' organization. The preceding 3 sentences are
10 not a legislative declaration that existing law does or does
11 not already require that only one performance evaluation each
12 school term shall be used for the purpose of determining the
13 sequence of dismissal. For performance evaluation ratings
14 determined prior to September 1, 2012, any school district or
15 joint agreement with a performance evaluation rating system
16 that does not use either of the rating category systems
17 specified in subsection (d) of Section 24A-5 of this Code for
18 all teachers must establish a basis for assigning each teacher
19 a rating that complies with subsection (d) of Section 24A-5 of
20 this Code for all of the performance evaluation ratings that
21 are to be used to determine the sequence of dismissal. A
22 teacher's grouping and ranking on a sequence of honorable
23 dismissal shall be deemed a part of the teacher's performance
24 evaluation, and that information shall be disclosed to the
25 exclusive bargaining representative as part of a sequence of
26 honorable dismissal list, notwithstanding any laws prohibiting

1 disclosure of such information. A performance evaluation
2 rating may be used to determine the sequence of dismissal,
3 notwithstanding the pendency of any grievance resolution or
4 arbitration procedures relating to the performance evaluation.
5 If a teacher has received at least one performance evaluation
6 rating conducted by the school district or joint agreement
7 determining the sequence of dismissal and a subsequent
8 performance evaluation is not conducted in any school year in
9 which such evaluation is required to be conducted under Section
10 24A-5 of this Code, the teacher's performance evaluation rating
11 for that school year for purposes of determining the sequence
12 of dismissal is deemed Proficient. If a performance evaluation
13 rating is nullified as the result of an arbitration,
14 administrative agency, or court determination, then the school
15 district or joint agreement is deemed to have conducted a
16 performance evaluation for that school year, but the
17 performance evaluation rating may not be used in determining
18 the sequence of dismissal.

19 Nothing in this subsection (b) shall be construed as
20 limiting the right of a school board or governing board of a
21 joint agreement to dismiss a teacher not in contractual
22 continued service in accordance with Section 24-11 of this
23 Code.

24 Any provisions regarding the sequence of honorable
25 dismissals and recall of honorably dismissed teachers in a
26 collective bargaining agreement entered into on or before

1 January 1, 2011 and in effect on June 13, 2011 (the effective
2 date of Public Act 97-8) ~~this amendatory Act of the 97th~~
3 ~~General Assembly~~ that may conflict with Public Act 97-8 ~~this~~
4 ~~amendatory Act of the 97th General Assembly~~ shall remain in
5 effect through the expiration of such agreement or June 30,
6 2013, whichever is earlier.

7 (c) Each school district and special education joint
8 agreement must use a joint committee composed of equal
9 representation selected by the school board and its teachers
10 or, if applicable, the exclusive bargaining representative of
11 its teachers, to address the matters described in paragraphs
12 (1) through (5) of this subsection (c) pertaining to honorable
13 dismissals under subsection (b) of this Section.

14 (1) The joint committee must consider and may agree to
15 criteria for excluding from grouping 2 and placing into
16 grouping 3 a teacher whose last 2 performance evaluations
17 include a Needs Improvement and either a Proficient or
18 Excellent.

19 (2) The joint committee must consider and may agree to
20 an alternative definition for grouping 4, which definition
21 must take into account prior performance evaluation
22 ratings and may take into account other factors that relate
23 to the school district's or program's educational
24 objectives. An alternative definition for grouping 4 may
25 not permit the inclusion of a teacher in the grouping with
26 a Needs Improvement or Unsatisfactory performance

1 evaluation rating on either of the teacher's last 2
2 performance evaluation ratings.

3 (3) The joint committee may agree to including within
4 the definition of a performance evaluation rating a
5 performance evaluation rating administered by a school
6 district or joint agreement other than the school district
7 or joint agreement determining the sequence of dismissal.

8 (4) For each school district or joint agreement that
9 administers performance evaluation ratings that are
10 inconsistent with either of the rating category systems
11 specified in subsection (d) of Section 24A-5 of this Code,
12 the school district or joint agreement must consult with
13 the joint committee on the basis for assigning a rating
14 that complies with subsection (d) of Section 24A-5 of this
15 Code to each performance evaluation rating that will be
16 used in a sequence of dismissal.

17 (5) Upon request by a joint committee member submitted
18 to the employing board by no later than 10 days after the
19 distribution of the sequence of honorable dismissal list, a
20 representative of the employing board shall, within 5 days
21 after the request, provide to members of the joint
22 committee a list showing the most recent and prior
23 performance evaluation ratings of each teacher identified
24 only by length of continuing service in the district or
25 joint agreement and not by name. If, after review of this
26 list, a member of the joint committee has a good faith

1 belief that a disproportionate number of teachers with
2 greater length of continuing service with the district or
3 joint agreement have received a recent performance
4 evaluation rating lower than the prior rating, the member
5 may request that the joint committee review the list to
6 assess whether such a trend may exist. Following the joint
7 committee's review, but by no later than the end of the
8 applicable school term, the joint committee or any member
9 or members of the joint committee may submit a report of
10 the review to the employing board and exclusive bargaining
11 representative, if any. Nothing in this paragraph (5) shall
12 impact the order of honorable dismissal or a school
13 district's or joint agreement's authority to carry out a
14 dismissal in accordance with subsection (b) of this
15 Section.

16 Agreement by the joint committee as to a matter requires
17 the majority vote of all committee members, and if the joint
18 committee does not reach agreement on a matter, then the
19 otherwise applicable requirements of subsection (b) of this
20 Section shall apply. Except as explicitly set forth in this
21 subsection (c), a joint committee has no authority to agree to
22 any further modifications to the requirements for honorable
23 dismissals set forth in subsection (b) of this Section. The
24 joint committee must be established, and the first meeting of
25 the joint committee each school year must occur on or before
26 December 1.

1 The joint committee must reach agreement on a matter on or
2 before February 1 of a school year in order for the agreement
3 of the joint committee to apply to the sequence of dismissal
4 determined during that school year. Subject to the February 1
5 deadline for agreements, the agreement of a joint committee on
6 a matter shall apply to the sequence of dismissal until the
7 agreement is amended or terminated by the joint committee.

8 The provisions of the Open Meetings Act shall not apply to
9 meetings of a joint committee created under this subsection
10 (c).

11 (d) Notwithstanding anything to the contrary in this
12 subsection (d), the requirements and dismissal procedures of
13 Section 24-16.5 of this Code shall apply to any dismissal
14 sought under Section 24-16.5 of this Code.

15 (1) If a dismissal of a teacher in contractual
16 continued service is sought for any reason or cause other
17 than an honorable dismissal under subsections (a) or (b) of
18 this Section or a dismissal sought under Section 24-16.5 of
19 this Code, including those under Section 10-22.4, the board
20 must first approve a motion containing specific charges by
21 a majority vote of all its members. Written notice of such
22 charges, including a bill of particulars and the teacher's
23 right to request a hearing, must be mailed to the teacher
24 and also given to the teacher either by certified mail,
25 return receipt requested, or personal delivery with
26 receipt within 5 days of the adoption of the motion. Any

1 written notice sent on or after July 1, 2012 shall inform
2 the teacher of the right to request a hearing before a
3 mutually selected hearing officer, with the cost of the
4 hearing officer split equally between the teacher and the
5 board, or a hearing before a board-selected hearing
6 officer, with the cost of the hearing officer paid by the
7 board.

8 Before setting a hearing on charges stemming from
9 causes that are considered remediable, a board must give
10 the teacher reasonable warning in writing, stating
11 specifically the causes that, if not removed, may result in
12 charges; however, no such written warning is required if
13 the causes have been the subject of a remediation plan
14 pursuant to Article 24A of this Code.

15 If, in the opinion of the board, the interests of the
16 school require it, the board may suspend the teacher
17 without pay, pending the hearing, but if the board's
18 dismissal or removal is not sustained, the teacher shall
19 not suffer the loss of any salary or benefits by reason of
20 the suspension.

21 (2) No hearing upon the charges is required unless the
22 teacher within 17 days after receiving notice requests in
23 writing of the board that a hearing be scheduled before a
24 mutually selected hearing officer or a hearing officer
25 selected by the board. The secretary of the school board
26 shall forward a copy of the notice to the State Board of

1 Education.

2 (3) Within 5 business days after receiving a notice of
3 hearing in which either notice to the teacher was sent
4 before July 1, 2012 or, if the notice was sent on or after
5 July 1, 2012, the teacher has requested a hearing before a
6 mutually selected hearing officer, the State Board of
7 Education shall provide a list of 5 prospective, impartial
8 hearing officers from the master list of qualified,
9 impartial hearing officers maintained by the State Board of
10 Education. Each person on the master list must (i) be
11 accredited by a national arbitration organization and have
12 had a minimum of 5 years of experience directly related to
13 labor and employment relations matters between employers
14 and employees or their exclusive bargaining
15 representatives and (ii) beginning September 1, 2012, have
16 participated in training provided or approved by the State
17 Board of Education for teacher dismissal hearing officers
18 so that he or she is familiar with issues generally
19 involved in evaluative and non-evaluative dismissals.

20 If notice to the teacher was sent before July 1, 2012
21 or, if the notice was sent on or after July 1, 2012, the
22 teacher has requested a hearing before a mutually selected
23 hearing officer, the board and the teacher or their legal
24 representatives within 3 business days shall alternately
25 strike one name from the list provided by the State Board
26 of Education until only one name remains. Unless waived by

1 the teacher, the teacher shall have the right to proceed
2 first with the striking. Within 3 business days of receipt
3 of the list provided by the State Board of Education, the
4 board and the teacher or their legal representatives shall
5 each have the right to reject all prospective hearing
6 officers named on the list and notify the State Board of
7 Education of such rejection. Within 3 business days after
8 receiving this notification, the State Board of Education
9 shall appoint a qualified person from the master list who
10 did not appear on the list sent to the parties to serve as
11 the hearing officer, unless the parties notify it that they
12 have chosen to alternatively select a hearing officer under
13 paragraph (4) of this subsection (d).

14 If the teacher has requested a hearing before a hearing
15 officer selected by the board, the board shall select one
16 name from the master list of qualified impartial hearing
17 officers maintained by the State Board of Education within
18 3 business days after receipt and shall notify the State
19 Board of Education of its selection.

20 A hearing officer mutually selected by the parties,
21 selected by the board, or selected through an alternative
22 selection process under paragraph (4) of this subsection
23 (d) (A) must not be a resident of the school district, (B)
24 must be available to commence the hearing within 75 days
25 and conclude the hearing within 120 days after being
26 selected as the hearing officer, and (C) must issue a

1 decision as to whether the teacher must be dismissed and
2 give a copy of that decision to both the teacher and the
3 board within 30 days from the conclusion of the hearing or
4 closure of the record, whichever is later.

5 (4) In the alternative to selecting a hearing officer
6 from the list received from the State Board of Education or
7 accepting the appointment of a hearing officer by the State
8 Board of Education or if the State Board of Education
9 cannot provide a list or appoint a hearing officer that
10 meets the foregoing requirements, the board and the teacher
11 or their legal representatives may mutually agree to select
12 an impartial hearing officer who is not on the master list
13 either by direct appointment by the parties or by using
14 procedures for the appointment of an arbitrator
15 established by the Federal Mediation and Conciliation
16 Service or the American Arbitration Association. The
17 parties shall notify the State Board of Education of their
18 intent to select a hearing officer using an alternative
19 procedure within 3 business days of receipt of a list of
20 prospective hearing officers provided by the State Board of
21 Education, notice of appointment of a hearing officer by
22 the State Board of Education, or receipt of notice from the
23 State Board of Education that it cannot provide a list that
24 meets the foregoing requirements, whichever is later.

25 (5) If the notice of dismissal was sent to the teacher
26 before July 1, 2012, the fees and costs for the hearing

1 officer must be paid by the State Board of Education. If
2 the notice of dismissal was sent to the teacher on or after
3 July 1, 2012, the hearing officer's fees and costs must be
4 paid as follows in this paragraph (5). The fees and
5 permissible costs for the hearing officer must be
6 determined by the State Board of Education. If the board
7 and the teacher or their legal representatives mutually
8 agree to select an impartial hearing officer who is not on
9 a list received from the State Board of Education, they may
10 agree to supplement the fees determined by the State Board
11 to the hearing officer, at a rate consistent with the
12 hearing officer's published professional fees. If the
13 hearing officer is mutually selected by the parties, then
14 the board and the teacher or their legal representatives
15 shall each pay 50% of the fees and costs and any
16 supplemental allowance to which they agree. If the hearing
17 officer is selected by the board, then the board shall pay
18 100% of the hearing officer's fees and costs. The fees and
19 costs must be paid to the hearing officer within 14 days
20 after the board and the teacher or their legal
21 representatives receive the hearing officer's decision set
22 forth in paragraph (7) of this subsection (d).

23 (6) The teacher is required to answer the bill of
24 particulars and aver affirmative matters in his or her
25 defense, and the time for initially doing so and the time
26 for updating such answer and defenses after pre-hearing

1 discovery must be set by the hearing officer. The State
2 Board of Education shall promulgate rules so that each
3 party has a fair opportunity to present its case and to
4 ensure that the dismissal process proceeds in a fair and
5 expeditious manner. These rules shall address, without
6 limitation, discovery and hearing scheduling conferences;
7 the teacher's initial answer and affirmative defenses to
8 the bill of particulars and the updating of that
9 information after pre-hearing discovery; provision for
10 written interrogatories and requests for production of
11 documents; the requirement that each party initially
12 disclose to the other party and then update the disclosure
13 no later than 10 calendar days prior to the commencement of
14 the hearing, the names and addresses of persons who may be
15 called as witnesses at the hearing, a summary of the facts
16 or opinions each witness will testify to, and all other
17 documents and materials, including information maintained
18 electronically, relevant to its own as well as the other
19 party's case (the hearing officer may exclude witnesses and
20 exhibits not identified and shared, except those offered in
21 rebuttal for which the party could not reasonably have
22 anticipated prior to the hearing); pre-hearing discovery
23 and preparation, including provision for written
24 interrogatories and requests for production of documents,
25 provided that discovery depositions are prohibited; the
26 conduct of the hearing; the right of each party to be

1 represented by counsel, the offer of evidence and witnesses
2 and the cross-examination of witnesses; the authority of
3 the hearing officer to issue subpoenas and subpoenas duces
4 tecum, provided that the hearing officer may limit the
5 number of witnesses to be subpoenaed on behalf of each
6 party to no more than 7; the length of post-hearing briefs;
7 and the form, length, and content of hearing officers'
8 decisions. The hearing officer shall hold a hearing and
9 render a final decision for dismissal pursuant to Article
10 24A of this Code or shall report to the school board
11 findings of fact and a recommendation as to whether or not
12 the teacher must be dismissed for conduct. The hearing
13 officer shall commence the hearing within 75 days and
14 conclude the hearing within 120 days after being selected
15 as the hearing officer, provided that the hearing officer
16 may modify these timelines upon the showing of good cause
17 or mutual agreement of the parties. Good cause for the
18 purpose of this subsection (d) shall mean the illness or
19 otherwise unavoidable emergency of the teacher, district
20 representative, their legal representatives, the hearing
21 officer, or an essential witness as indicated in each
22 party's pre-hearing submission. In a dismissal hearing
23 pursuant to Article 24A of this Code in which a witness is
24 a student or is under the age of 18, the hearing officer
25 must make accommodations for the witness, as provided under
26 paragraph (6.5) of this subsection. The, the hearing

1 officer shall consider and give weight to all of the
2 teacher's evaluations written pursuant to Article 24A that
3 are relevant to the issues in the hearing.

4 Each party shall have no more than 3 days to present
5 its case, unless extended by the hearing officer to enable
6 a party to present adequate evidence and testimony,
7 including due to the other party's cross-examination of the
8 party's witnesses, for good cause or by mutual agreement of
9 the parties. The State Board of Education shall define in
10 rules the meaning of "day" for such purposes. All testimony
11 at the hearing shall be taken under oath administered by
12 the hearing officer. The hearing officer shall cause a
13 record of the proceedings to be kept and shall employ a
14 competent reporter to take stenographic or stenotype notes
15 of all the testimony. The costs of the reporter's
16 attendance and services at the hearing shall be paid by the
17 party or parties who are responsible for paying the fees
18 and costs of the hearing officer. Either party desiring a
19 transcript of the hearing shall pay for the cost thereof.
20 Any post-hearing briefs must be submitted by the parties by
21 no later than 21 days after a party's receipt of the
22 transcript of the hearing, unless extended by the hearing
23 officer for good cause or by mutual agreement of the
24 parties.

25 (6.5) In the case of charges involving sexual abuse or
26 severe physical abuse of a student or a person under the

1 age of 18, the hearing officer shall make alternative
2 hearing procedures to protect a witness who is a student or
3 who is under the age of 18 from being intimidated or
4 traumatized. Alternative hearing procedures may include,
5 but are not limited to: (i) testimony made via a
6 telecommunication device in a location other than the
7 hearing room and outside the physical presence of the
8 teacher and other hearing participants, (ii) testimony
9 outside the physical presence of the teacher, or (iii)
10 non-public testimony. During a testimony described under
11 this subsection, each party must be permitted to ask a
12 witness who is a student or who is under 18 years of age
13 all relevant questions and follow-up questions. All
14 questions must exclude evidence of the witness' sexual
15 behavior or predisposition, unless the evidence is offered
16 to prove that someone other than the teacher subject to the
17 dismissal hearing engaged in the charge at issue.

18 (7) The hearing officer shall, within 30 days from the
19 conclusion of the hearing or closure of the record,
20 whichever is later, make a decision as to whether or not
21 the teacher shall be dismissed pursuant to Article 24A of
22 this Code or report to the school board findings of fact
23 and a recommendation as to whether or not the teacher shall
24 be dismissed for cause and shall give a copy of the
25 decision or findings of fact and recommendation to both the
26 teacher and the school board. If a hearing officer fails

1 without good cause, specifically provided in writing to
2 both parties and the State Board of Education, to render a
3 decision or findings of fact and recommendation within 30
4 days after the hearing is concluded or the record is
5 closed, whichever is later, the parties may mutually agree
6 to select a hearing officer pursuant to the alternative
7 procedure, as provided in this Section, to rehear the
8 charges heard by the hearing officer who failed to render a
9 decision or findings of fact and recommendation or to
10 review the record and render a decision. If any hearing
11 officer fails without good cause, specifically provided in
12 writing to both parties and the State Board of Education,
13 to render a decision or findings of fact and recommendation
14 within 30 days after the hearing is concluded or the record
15 is closed, whichever is later, the hearing officer shall be
16 removed from the master list of hearing officers maintained
17 by the State Board of Education for not more than 24
18 months. The parties and the State Board of Education may
19 also take such other actions as it deems appropriate,
20 including recovering, reducing, or withholding any fees
21 paid or to be paid to the hearing officer. If any hearing
22 officer repeats such failure, he or she must be permanently
23 removed from the master list maintained by the State Board
24 of Education and may not be selected by parties through the
25 alternative selection process under this paragraph (7) or
26 paragraph (4) of this subsection (d). The board shall not

1 lose jurisdiction to discharge a teacher if the hearing
2 officer fails to render a decision or findings of fact and
3 recommendation within the time specified in this Section.
4 If the decision of the hearing officer for dismissal
5 pursuant to Article 24A of this Code or of the school board
6 for dismissal for cause is in favor of the teacher, then
7 the hearing officer or school board shall order
8 reinstatement to the same or substantially equivalent
9 position and shall determine the amount for which the
10 school board is liable, including, but not limited to, loss
11 of income and benefits.

12 (8) The school board, within 45 days after receipt of
13 the hearing officer's findings of fact and recommendation
14 as to whether (i) the conduct at issue occurred, (ii) the
15 conduct that did occur was remediable, and (iii) the
16 proposed dismissal should be sustained, shall issue a
17 written order as to whether the teacher must be retained or
18 dismissed for cause from its employ. The school board's
19 written order shall incorporate the hearing officer's
20 findings of fact, except that the school board may modify
21 or supplement the findings of fact if, in its opinion, the
22 findings of fact are against the manifest weight of the
23 evidence.

24 If the school board dismisses the teacher
25 notwithstanding the hearing officer's findings of fact and
26 recommendation, the school board shall make a conclusion in

1 its written order, giving its reasons therefor, and such
2 conclusion and reasons must be included in its written
3 order. The failure of the school board to strictly adhere
4 to the timelines contained in this Section shall not render
5 it without jurisdiction to dismiss the teacher. The school
6 board shall not lose jurisdiction to discharge the teacher
7 for cause if the hearing officer fails to render a
8 recommendation within the time specified in this Section.
9 The decision of the school board is final, unless reviewed
10 as provided in paragraph (9) of this subsection (d).

11 If the school board retains the teacher, the school
12 board shall enter a written order stating the amount of
13 back pay and lost benefits, less mitigation, to be paid to
14 the teacher, within 45 days after its retention order.
15 Should the teacher object to the amount of the back pay and
16 lost benefits or amount mitigated, the teacher shall give
17 written objections to the amount within 21 days. If the
18 parties fail to reach resolution within 7 days, the dispute
19 shall be referred to the hearing officer, who shall
20 consider the school board's written order and teacher's
21 written objection and determine the amount to which the
22 school board is liable. The costs of the hearing officer's
23 review and determination must be paid by the board.

24 (9) The decision of the hearing officer pursuant to
25 Article 24A of this Code or of the school board's decision
26 to dismiss for cause is final unless reviewed as provided

1 in Section 24-16 of this Code Act. If the school board's
2 decision to dismiss for cause is contrary to the hearing
3 officer's recommendation, the court on review shall give
4 consideration to the school board's decision and its
5 supplemental findings of fact, if applicable, and the
6 hearing officer's findings of fact and recommendation in
7 making its decision. In the event such review is
8 instituted, the school board shall be responsible for
9 preparing and filing the record of proceedings, and such
10 costs associated therewith must be divided equally between
11 the parties.

12 (10) If a decision of the hearing officer for dismissal
13 pursuant to Article 24A of this Code or of the school board
14 for dismissal for cause is adjudicated upon review or
15 appeal in favor of the teacher, then the trial court shall
16 order reinstatement and shall remand the matter to the
17 school board with direction for entry of an order setting
18 the amount of back pay, lost benefits, and costs, less
19 mitigation. The teacher may challenge the school board's
20 order setting the amount of back pay, lost benefits, and
21 costs, less mitigation, through an expedited arbitration
22 procedure, with the costs of the arbitrator borne by the
23 school board.

24 Any teacher who is reinstated by any hearing or
25 adjudication brought under this Section shall be assigned
26 by the board to a position substantially similar to the one

1 which that teacher held prior to that teacher's suspension
2 or dismissal.

3 (11) Subject to any later effective date referenced in
4 this Section for a specific aspect of the dismissal
5 process, the changes made by Public Act 97-8 shall apply to
6 dismissals instituted on or after September 1, 2011. Any
7 dismissal instituted prior to September 1, 2011 must be
8 carried out in accordance with the requirements of this
9 Section prior to amendment by Public Act 97-8.

10 (e) Nothing contained in Public Act 98-648 ~~this amendatory~~
11 ~~Act of the 98th General Assembly~~ repeals, supersedes,
12 invalidates, or nullifies final decisions in lawsuits pending
13 on July 1, 2014 (the effective date of Public Act 98-648) ~~this~~
14 ~~amendatory Act of the 98th General Assembly~~ in Illinois courts
15 involving the interpretation of Public Act 97-8.

16 (Source: P.A. 99-78, eff. 7-20-15; 100-768, eff. 1-1-19;
17 revised 9-28-18.)

18 (105 ILCS 5/24-14) (from Ch. 122, par. 24-14)

19 Sec. 24-14. Termination of contractual continued service
20 by teacher. A teacher who has entered into contractual
21 continued service may resign at any time by obtaining
22 concurrence of the board or by serving at least 30 days'
23 written notice upon the secretary of the board. However, no
24 teacher may resign during the school term, without the
25 concurrence of the board, in order to accept another teaching

1 assignment. Any teacher terminating said service not in
2 accordance with this Section may be referred by the board to
3 the State Superintendent of Education is guilty of
4 unprofessional conduct and liable to suspension of licensure
5 for a period not to exceed 1 year, as provided in Section
6 21B-75 of this Code. The State Superintendent or his or her
7 designee shall convene an informal evidentiary hearing no later
8 than 90 days after receipt of a resolution by the board. If the
9 State Superintendent or his or her designee finds that the
10 teacher resigned during the school term without the concurrence
11 of the board to accept another teaching assignment, the State
12 Superintendent must suspend the teacher's license for one
13 calendar year. In lieu of a hearing and finding, the teacher
14 may agree to a lesser licensure sanction at the discretion of
15 the State Superintendent.

16 (Source: P.A. 97-607, eff. 8-26-11.)

17 (105 ILCS 5/27A-5)

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

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

24 (b) A charter school may be established under this Article
25 by creating a new school or by converting an existing public

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

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

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

23 On or before March 1, 2014, the Commission shall submit to
24 the General Assembly a report on the effect of
25 virtual-schooling, including without limitation the effect on
26 student performance, the costs associated with

1 virtual-schooling, and issues with oversight. The report shall
2 include policy recommendations for virtual-schooling.

3 (c) A charter school shall be administered and governed by
4 its board of directors or other governing body in the manner
5 provided in its charter. The governing body of a charter school
6 shall be subject to the Freedom of Information Act and the Open
7 Meetings Act.

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

20 A charter school shall comply with all non-curricular
21 health and safety requirements applicable to public schools
22 under the laws of the State of Illinois. On or before September
23 1, 2015, the State Board shall promulgate and post on its
24 Internet website a list of non-curricular health and safety
25 requirements that a charter school must meet. The list shall be
26 updated annually no later than September 1. Any charter

1 contract between a charter school and its authorizer must
2 contain a provision that requires the charter school to follow
3 the list of all non-curricular health and safety requirements
4 promulgated by the State Board and any non-curricular health
5 and safety requirements added by the State Board to such list
6 during the term of the charter. Nothing in this subsection (d)
7 precludes an authorizer from including non-curricular health
8 and safety requirements in a charter school contract that are
9 not contained in the list promulgated by the State Board,
10 including non-curricular health and safety requirements of the
11 authorizing local school board.

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

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

1 proper financial oversight of the charter school, an authorizer
2 may require quarterly financial statements from each charter
3 school.

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

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

17 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
18 34-84a of this Code regarding discipline of students;

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

21 (4) Section 108.75 of the General Not For Profit
22 Corporation Act of 1986 regarding indemnification of
23 officers, directors, employees, and agents;

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

25 (5.5) subsection (b) of Section 10-23.12 and
26 subsection (b) of Section 34-18.6 of this Code;

- 1 (6) the Illinois School Student Records Act;
- 2 (7) Section 10-17a of this Code regarding school report
- 3 cards;
- 4 (8) the P-20 Longitudinal Education Data System Act;
- 5 (9) Section 27-23.7 of this Code regarding bullying
- 6 prevention;
- 7 (10) Section 2-3.162 of this Code regarding student
- 8 discipline reporting;
- 9 (11) Sections 22-80 and 27-8.1 of this Code;
- 10 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 11 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~
- 12 (14) Section 26-18 of this Code; ~~and~~
- 13 (15) Section 22-30 of this Code; and.
- 14 (16) Sections 24-12 and 34-85 of this Code.

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

17 (h) A charter school may negotiate and contract with a
18 school district, the governing body of a State college or
19 university or public community college, or any other public or
20 for-profit or nonprofit private entity for: (i) the use of a
21 school building and grounds or any other real property or
22 facilities that the charter school desires to use or convert
23 for use as a charter school site, (ii) the operation and
24 maintenance thereof, and (iii) the provision of any service,
25 activity, or undertaking that the charter school is required to
26 perform in order to carry out the terms of its charter.

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

16 (i) In no event shall a charter school that is established
17 by converting an existing school or attendance center to
18 charter school status be required to pay rent for space that is
19 deemed available, as negotiated and provided in the charter
20 agreement, in school district facilities. However, all other
21 costs for the operation and maintenance of school district
22 facilities that are used by the charter school shall be subject
23 to negotiation between the charter school and the local school
24 board and shall be set forth in the charter.

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

1 (k) If the charter school is approved by the Commission,
2 then the Commission charter school is its own local education
3 agency.

4 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
5 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
6 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
7 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
8 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
9 eff. 8-14-18; revised 10-5-18.)

10 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

11 Sec. 34-18.5. Criminal history records checks and checks of
12 the Statewide Sex Offender Database and Statewide Murderer and
13 Violent Offender Against Youth Database.

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

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

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

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

22 (a-6) The school district or regional superintendent shall
23 further perform a check of the Statewide Murderer and Violent
24 Offender Against Youth Database, as authorized by the Murderer
25 and Violent Offender Against Youth Community Notification Law,
26 for each applicant. The check of the Murderer and Violent

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

4 (b) Any information concerning the record of convictions
5 obtained by the president of the board of education or the
6 regional superintendent shall be confidential and may only be
7 transmitted to the general superintendent of the school
8 district or his designee, the appropriate regional
9 superintendent if the check was requested by the board of
10 education for the school district, the presidents of the
11 appropriate board of education or school boards if the check
12 was requested from the Department of State Police by the
13 regional superintendent, the State Superintendent of
14 Education, the State Educator Preparation and Licensure ~~State~~
15 ~~Teacher Certification~~ Board or any other person necessary to
16 the decision of hiring the applicant for employment. A copy of
17 the record of convictions obtained from the Department of State
18 Police shall be provided to the applicant for employment. Upon
19 the check of the Statewide Sex Offender Database, the school
20 district or regional superintendent shall notify an applicant
21 as to whether or not the applicant has been identified in the
22 Database as a sex offender. If a check of an applicant for
23 employment as a substitute or concurrent part-time teacher or
24 concurrent educational support personnel employee in more than
25 one school district was requested by the regional
26 superintendent, and the Department of State Police upon a check

1 ascertains that the applicant has not been convicted of any of
2 the enumerated criminal or drug offenses in subsection (c) of
3 this Section or has not been convicted, within 7 years of the
4 application for employment with the school district, of any
5 other felony under the laws of this State or of any offense
6 committed or attempted in any other state or against the laws
7 of the United States that, if committed or attempted in this
8 State, would have been punishable as a felony under the laws of
9 this State and so notifies the regional superintendent and if
10 the regional superintendent upon a check ascertains that the
11 applicant has not been identified in the Sex Offender Database
12 as a sex offender, then the regional superintendent shall issue
13 to the applicant a certificate evidencing that as of the date
14 specified by the Department of State Police the applicant has
15 not been convicted of any of the enumerated criminal or drug
16 offenses in subsection (c) of this Section or has not been
17 convicted, within 7 years of the application for employment
18 with the school district, of any other felony under the laws of
19 this State or of any offense committed or attempted in any
20 other state or against the laws of the United States that, if
21 committed or attempted in this State, would have been
22 punishable as a felony under the laws of this State and
23 evidencing that as of the date that the regional superintendent
24 conducted a check of the Statewide Sex Offender Database, the
25 applicant has not been identified in the Database as a sex
26 offender. The school board of any school district may rely on

1 the certificate issued by any regional superintendent to that
2 substitute teacher, concurrent part-time teacher, or
3 concurrent educational support personnel employee or may
4 initiate its own criminal history records check of the
5 applicant through the Department of State Police and its own
6 check of the Statewide Sex Offender Database as provided in
7 subsection (a). Any unauthorized release of confidential
8 information may be a violation of Section 7 of the Criminal
9 Identification Act.

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

24 (d) The board of education shall not knowingly employ a
25 person for whom a criminal history records check and a
26 Statewide Sex Offender Database check has not been initiated.

1 (e) No later than 15 business days after receipt of a
2 record of conviction or of checking the Statewide Murderer and
3 Violent Offender Against Youth Database or the Statewide Sex
4 Offender Database and finding a registration, the general
5 superintendent of schools or the applicable regional
6 superintendent shall, in writing, notify the State
7 Superintendent of Education of any license holder who has been
8 convicted of a crime set forth in Section 21B-80 of this Code.

9 Upon receipt of the record of a conviction of or a finding of
10 child abuse by a holder of any license ~~certificate~~ issued
11 pursuant to Article 21B ~~21~~ or Section 34-8.1 or 34-83 of the
12 School Code, the State Superintendent of Education may initiate
13 licensure ~~certificate~~ suspension and revocation proceedings as
14 authorized by law. If the receipt of the record of conviction
15 or finding of child abuse is received within 6 months after the
16 initial grant of or renewal of a license, the State
17 Superintendent of Education may rescind the license holder's
18 license.

19 (e-5) The general superintendent of schools shall, in
20 writing, notify the State Superintendent of Education of any
21 license ~~certificate~~ holder whom he or she has reasonable cause
22 to believe has committed an intentional act of abuse or neglect
23 with the result of making a child an abused child or a
24 neglected child, as defined in Section 3 of the Abused and
25 Neglected Child Reporting Act, and that act resulted in the
26 license ~~certificate~~ holder's dismissal or resignation from the

1 school district. This notification must be submitted within 30
2 days after the dismissal or resignation. The license
3 ~~certificate~~ holder must also be contemporaneously sent a copy
4 of the notice by the superintendent. All correspondence,
5 documentation, and other information so received by the State
6 Superintendent of Education, the State Board of Education, or
7 the State Educator Preparation and Licensure ~~State Teacher~~
8 ~~Certification~~ Board under this subsection (e-5) is
9 confidential and must not be disclosed to third parties, except
10 (i) as necessary for the State Superintendent of Education or
11 his or her designee to investigate and prosecute pursuant to
12 Article 21B ~~21~~ of this Code, (ii) pursuant to a court order,
13 (iii) for disclosure to the license ~~certificate~~ holder or his
14 or her representative, or (iv) as otherwise provided in this
15 Article and provided that any such information admitted into
16 evidence in a hearing is exempt from this confidentiality and
17 non-disclosure requirement. Except for an act of willful or
18 wanton misconduct, any superintendent who provides
19 notification as required in this subsection (e-5) shall have
20 immunity from any liability, whether civil or criminal or that
21 otherwise might result by reason of such action.

22 (f) After March 19, 1990, the provisions of this Section
23 shall apply to all employees of persons or firms holding
24 contracts with any school district including, but not limited
25 to, food service workers, school bus drivers and other
26 transportation employees, who have direct, daily contact with

1 the pupils of any school in such district. For purposes of
2 criminal history records checks and checks of the Statewide Sex
3 Offender Database on employees of persons or firms holding
4 contracts with more than one school district and assigned to
5 more than one school district, the regional superintendent of
6 the educational service region in which the contracting school
7 districts are located may, at the request of any such school
8 district, be responsible for receiving the authorization for a
9 criminal history records check prepared by each such employee
10 and submitting the same to the Department of State Police and
11 for conducting a check of the Statewide Sex Offender Database
12 for each employee. Any information concerning the record of
13 conviction and identification as a sex offender of any such
14 employee obtained by the regional superintendent shall be
15 promptly reported to the president of the appropriate school
16 board or school boards.

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

21 (g) Prior to the commencement of any student teaching
22 experience or required internship (which is referred to as
23 student teaching in this Section) in the public schools, a
24 student teacher is required to authorize a fingerprint-based
25 criminal history records check. Authorization for and payment
26 of the costs of the check must be furnished by the student

1 teacher to the school district. Upon receipt of this
2 authorization and payment, the school district shall submit the
3 student teacher's name, sex, race, date of birth, social
4 security number, fingerprint images, and other identifiers, as
5 prescribed by the Department of State Police, to the Department
6 of State Police. The Department of State Police and the Federal
7 Bureau of Investigation shall furnish, pursuant to a
8 fingerprint-based criminal history records check, records of
9 convictions, forever and hereinafter, until expunged, to the
10 president of the board. The Department shall charge the school
11 district a fee for conducting the check, which fee must not
12 exceed the cost of the inquiry and must be deposited into the
13 State Police Services Fund. The school district shall further
14 perform a check of the Statewide Sex Offender Database, as
15 authorized by the Sex Offender Community Notification Law, and
16 of the Statewide Murderer and Violent Offender Against Youth
17 Database, as authorized by the Murderer and Violent Offender
18 Against Youth Registration Act, for each student teacher. The
19 board may not knowingly allow a person to student teach for
20 whom a criminal history records check, a Statewide Sex Offender
21 Database check, and a Statewide Murderer and Violent Offender
22 Against Youth Database check have not been completed and
23 reviewed by the district.

24 A copy of the record of convictions obtained from the
25 Department of State Police must be provided to the student
26 teacher. Any information concerning the record of convictions

1 obtained by the president of the board is confidential and may
2 only be transmitted to the general superintendent of schools or
3 his or her designee, the State Superintendent of Education, the
4 State Educator Preparation and Licensure Board, or, for
5 clarification purposes, the Department of State Police or the
6 Statewide Sex Offender Database or Statewide Murderer and
7 Violent Offender Against Youth Database. Any unauthorized
8 release of confidential information may be a violation of
9 Section 7 of the Criminal Identification Act.

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

24 (h) (Blank).

25 (Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

1 (105 ILCS 5/34-18.6) (from Ch. 122, par. 34-18.6)

2 Sec. 34-18.6. Child abuse and neglect; detection,
3 reporting, and prevention; willful or negligent failure to
4 report.

5 (a) The Board of Education may provide staff development
6 for local school site personnel who work with pupils in grades
7 kindergarten through 8 in the detection, reporting, and
8 prevention of child abuse and neglect.

9 (b) The Department of Children and Family Services may, in
10 cooperation with school officials, distribute appropriate
11 materials in school buildings listing the toll-free telephone
12 number established in Section 7.6 of the Abused and Neglected
13 Child Reporting Act, including methods of making a report under
14 Section 7 of the Abused and Neglected Child Reporting Act, to
15 be displayed in a clearly visible location in each school
16 building.

17 (c) Except for an employee licensed under Article 21B of
18 this Code, if the board determines that any school district
19 employee has willfully or negligently failed to report an
20 instance of suspected child abuse or neglect, as required by
21 the Abused and Neglected Child Reporting Act, then the board
22 may dismiss that employee immediately upon that determination.
23 For purposes of this subsection (c), negligent failure to
24 report an instance of suspected child abuse or neglect occurs
25 when a school district employee personally observes an instance
26 of suspected child abuse or neglect and reasonably believes, in

1 his or her professional or official capacity, that the instance
2 constitutes an act of child abuse or neglect under the Abused
3 and Neglected Child Reporting Act, and he or she, without
4 willful intent, fails to immediately report or cause a report
5 to be made of the suspected abuse or neglect to the Department
6 of Children and Family Services, as required by the Abused and
7 Neglected Child Reporting Act.

8 (Source: P.A. 100-413, eff. 1-1-18; 100-468, eff. 6-1-18.)

9 (105 ILCS 5/34-18.61 new)

10 Sec. 34-18.61. Sexual abuse investigations at schools.
11 Every 2 years, the school district must review all existing
12 policies and procedures concerning sexual abuse investigations
13 at schools to ensure consistency with Section 22-85.

14 (105 ILCS 5/34-85) (from Ch. 122, par. 34-85)

15 Sec. 34-85. Removal for cause; notice and hearing;
16 suspension.

17 (a) No teacher employed by the board of education shall
18 (after serving the probationary period specified in Section
19 34-84) be removed except for cause. Teachers (who have
20 completed the probationary period specified in Section 34-84 of
21 this Code) shall be removed for cause in accordance with the
22 procedures set forth in this Section or, at the board's option,
23 the procedures set forth in Section 24-16.5 of this Code or
24 such other procedures established in an agreement entered into

1 between the board and the exclusive representative of the
2 district's teachers under Section 34-85c of this Code for
3 teachers (who have completed the probationary period specified
4 in Section 34-84 of this Code) assigned to schools identified
5 in that agreement. No principal employed by the board of
6 education shall be removed during the term of his or her
7 performance contract except for cause, which may include but is
8 not limited to the principal's repeated failure to implement
9 the school improvement plan or to comply with the provisions of
10 the Uniform Performance Contract, including additional
11 criteria established by the Council for inclusion in the
12 performance contract pursuant to Section 34-2.3.

13 Before service of notice of charges on account of causes
14 that may be deemed to be remediable, the teacher or principal
15 must be given reasonable warning in writing, stating
16 specifically the causes that, if not removed, may result in
17 charges; however, no such written warning is required if the
18 causes have been the subject of a remediation plan pursuant to
19 Article 24A of this Code or if the board and the exclusive
20 representative of the district's teachers have entered into an
21 agreement pursuant to Section 34-85c of this Code, pursuant to
22 an alternative system of remediation. No written warning shall
23 be required for conduct on the part of a teacher or principal
24 that is cruel, immoral, negligent, or criminal or that in any
25 way causes psychological or physical harm or injury to a
26 student, as that conduct is deemed to be irreparable. No

1 written warning shall be required for a material breach of the
2 uniform principal performance contract, as that conduct is
3 deemed to be irremediable; provided that not less than 30 days
4 before the vote of the local school council to seek the
5 dismissal of a principal for a material breach of a uniform
6 principal performance contract, the local school council shall
7 specify the nature of the alleged breach in writing and provide
8 a copy of it to the principal.

9 (1) To initiate dismissal proceedings against a
10 teacher or principal, the general superintendent must
11 first approve written charges and specifications against
12 the teacher or principal. A local school council may direct
13 the general superintendent to approve written charges
14 against its principal on behalf of the Council upon the
15 vote of 7 members of the Council. The general
16 superintendent must approve those charges within 45
17 calendar days or provide a written reason for not approving
18 those charges. A written notice of those charges, including
19 specifications, shall be served upon the teacher or
20 principal within 10 business days of the approval of the
21 charges. Any written notice sent on or after July 1, 2012
22 shall also inform the teacher or principal of the right to
23 request a hearing before a mutually selected hearing
24 officer, with the cost of the hearing officer split equally
25 between the teacher or principal and the board, or a
26 hearing before a qualified hearing officer chosen by the

1 general superintendent, with the cost of the hearing
2 officer paid by the board. If the teacher or principal
3 cannot be found upon diligent inquiry, such charges may be
4 served upon him by mailing a copy thereof in a sealed
5 envelope by prepaid certified mail, return receipt
6 requested, to the teacher's or principal's last known
7 address. A return receipt showing delivery to such address
8 within 20 calendar days after the date of the approval of
9 the charges shall constitute proof of service.

10 (2) No hearing upon the charges is required unless the
11 teacher or principal within 17 calendar days after
12 receiving notice requests in writing of the general
13 superintendent that a hearing be scheduled. Pending the
14 hearing of the charges, the general superintendent or his
15 or her designee may suspend the teacher or principal
16 charged without pay in accordance with rules prescribed by
17 the board, provided that if the teacher or principal
18 charged is not dismissed based on the charges, he or she
19 must be made whole for lost earnings, less setoffs for
20 mitigation.

21 (3) The board shall maintain a list of at least 9
22 qualified hearing officers who will conduct hearings on
23 charges and specifications. The list must be developed in
24 good faith consultation with the exclusive representative
25 of the board's teachers and professional associations that
26 represent the board's principals. The list may be revised

1 on July 1st of each year or earlier as needed. To be a
2 qualified hearing officer, the person must (i) be
3 accredited by a national arbitration organization and have
4 had a minimum of 5 years of experience as an arbitrator in
5 cases involving labor and employment relations matters
6 between employers and employees or their exclusive
7 bargaining representatives and (ii) beginning September 1,
8 2012, have participated in training provided or approved by
9 the State Board of Education for teacher dismissal hearing
10 officers so that he or she is familiar with issues
11 generally involved in evaluative and non-evaluative
12 dismissals.

13 Within 5 business days after receiving the notice of
14 request for a hearing, the general superintendent and the
15 teacher or principal or their legal representatives shall
16 alternately strike one name from the list until only one
17 name remains. Unless waived by the teacher, the teacher or
18 principal shall have the right to proceed first with the
19 striking. If the teacher or principal fails to participate
20 in the striking process, the general superintendent shall
21 either select the hearing officer from the list developed
22 pursuant to this paragraph (3) or select another qualified
23 hearing officer from the master list maintained by the
24 State Board of Education pursuant to subsection (c) of
25 Section 24-12 of this Code.

26 (4) If the notice of dismissal was sent to the teacher

1 or principal before July 1, 2012, the fees and costs for
2 the hearing officer shall be paid by the State Board of
3 Education. If the notice of dismissal was sent to the
4 teacher or principal on or after July 1, 2012, the hearing
5 officer's fees and costs must be paid as follows in this
6 paragraph (4). The fees and permissible costs for the
7 hearing officer shall be determined by the State Board of
8 Education. If the hearing officer is mutually selected by
9 the parties through alternate striking in accordance with
10 paragraph (3) of this subsection (a), then the board and
11 the teacher or their legal representative shall each pay
12 50% of the fees and costs and any supplemental allowance to
13 which they agree. If the hearing officer is selected by the
14 general superintendent without the participation of the
15 teacher or principal, then the board shall pay 100% of the
16 hearing officer fees and costs. The hearing officer shall
17 submit for payment a billing statement to the parties that
18 itemizes the charges and expenses and divides them in
19 accordance with this Section.

20 (5) The teacher or the principal charged is required to
21 answer the charges and specifications and aver affirmative
22 matters in his or her defense, and the time for doing so
23 must be set by the hearing officer. The State Board of
24 Education shall adopt rules so that each party has a fair
25 opportunity to present its case and to ensure that the
26 dismissal proceeding is concluded in an expeditious

1 manner. The rules shall address, without limitation, the
2 teacher or principal's answer and affirmative defenses to
3 the charges and specifications; a requirement that each
4 party make mandatory disclosures without request to the
5 other party and then update the disclosure no later than 10
6 calendar days prior to the commencement of the hearing,
7 including a list of the names and addresses of persons who
8 may be called as witnesses at the hearing, a summary of the
9 facts or opinions each witness will testify to, and all
10 other documents and materials, including information
11 maintained electronically, relevant to its own as well as
12 the other party's case (the hearing officer may exclude
13 witnesses and exhibits not identified and shared, except
14 those offered in rebuttal for which the party could not
15 reasonably have anticipated prior to the hearing);
16 pre-hearing discovery and preparation, including provision
17 for written interrogatories and requests for production of
18 documents, provided that discovery depositions are
19 prohibited; the conduct of the hearing; the right of each
20 party to be represented by counsel, the offer of evidence
21 and witnesses and the cross-examination of witnesses; the
22 authority of the hearing officer to issue subpoenas and
23 subpoenas duces tecum, provided that the hearing officer
24 may limit the number of witnesses to be subpoenaed in
25 behalf of each party to no more than 7; the length of
26 post-hearing briefs; and the form, length, and content of

1 hearing officers' reports and recommendations to the
2 general superintendent.

3 The hearing officer shall commence the hearing within
4 75 calendar days and conclude the hearing within 120
5 calendar days after being selected by the parties as the
6 hearing officer, provided that these timelines may be
7 modified upon the showing of good cause or mutual agreement
8 of the parties. Good cause for the purposes of this
9 paragraph (5) shall mean the illness or otherwise
10 unavoidable emergency of the teacher, district
11 representative, their legal representatives, the hearing
12 officer, or an essential witness as indicated in each
13 party's pre-hearing submission. In a dismissal hearing in
14 which a witness is a student or is under the age of 18, the
15 hearing officer must make accommodations for the witness,
16 as provided under paragraph (5.5) of this subsection. The
17 ~~the~~ hearing officer shall consider and give weight to all
18 of the teacher's evaluations written pursuant to Article
19 24A that are relevant to the issues in the hearing. Except
20 as otherwise provided under paragraph (5.5) of this
21 subsection, the ~~The~~ teacher or principal has the privilege
22 of being present at the hearing with counsel and of
23 cross-examining witnesses and may offer evidence and
24 witnesses and present defenses to the charges. Each party
25 shall have no more than 3 days to present its case, unless
26 extended by the hearing officer to enable a party to

1 present adequate evidence and testimony, including due to
2 the other party's cross-examination of the party's
3 witnesses, for good cause or by mutual agreement of the
4 parties. The State Board of Education shall define in rules
5 the meaning of "day" for such purposes. All testimony at
6 the hearing shall be taken under oath administered by the
7 hearing officer. The hearing officer shall cause a record
8 of the proceedings to be kept and shall employ a competent
9 reporter to take stenographic or stenotype notes of all the
10 testimony. The costs of the reporter's attendance and
11 services at the hearing shall be paid by the party or
12 parties who are paying the fees and costs of the hearing
13 officer. Either party desiring a transcript of the hearing
14 shall pay for the cost thereof. At the close of the
15 hearing, the hearing officer shall direct the parties to
16 submit post-hearing briefs no later than 21 calendar days
17 after receipt of the transcript. Either or both parties may
18 waive submission of briefs.

19 (5.5) In the case of charges involving sexual abuse or
20 severe physical abuse of a student or a person under the
21 age of 18, the hearing officer shall make alternative
22 hearing procedures to protect a witness who is a student or
23 who is under the age of 18 from being intimidated or
24 traumatized. Alternative hearing procedures may include,
25 but are not limited to: (i) testimony made via a
26 telecommunication device in a location other than the

1 hearing room and outside the physical presence of the
2 teacher or principal and other hearing participants, (ii)
3 testimony outside the physical presence of the teacher or
4 principal, or (iii) non-public testimony. During a
5 testimony described under this subsection, each party must
6 be permitted to ask a witness who is a student or who is
7 under 18 years of age all relevant questions and follow-up
8 questions. All questions must exclude evidence of the
9 witness' sexual behavior or predisposition, unless the
10 evidence is offered to prove that someone other than the
11 teacher subject to the dismissal hearing engaged in the
12 charge at issue.

13 (6) The hearing officer shall within 30 calendar days
14 from the conclusion of the hearing report to the general
15 superintendent findings of fact and a recommendation as to
16 whether or not the teacher or principal shall be dismissed
17 and shall give a copy of the report to both the teacher or
18 principal and the general superintendent. The State Board
19 of Education shall provide by rule the form of the hearing
20 officer's report and recommendation.

21 (7) The board, within 45 days of receipt of the hearing
22 officer's findings of fact and recommendation, shall make a
23 decision as to whether the teacher or principal shall be
24 dismissed from its employ. The failure of the board to
25 strictly adhere to the timeliness contained herein shall
26 not render it without jurisdiction to dismiss the teacher

1 or principal. In the event that the board declines to
2 dismiss the teacher or principal after review of a hearing
3 officer's recommendation, the board shall set the amount of
4 back pay and benefits to award the teacher or principal,
5 which shall include offsets for interim earnings and
6 failure to mitigate losses. The board shall establish
7 procedures for the teacher's or principal's submission of
8 evidence to it regarding lost earnings, lost benefits,
9 mitigation, and offsets. The decision of the board is final
10 unless reviewed in accordance with paragraph (8) of this
11 subsection (a).

12 (8) The teacher may seek judicial review of the board's
13 decision in accordance with the Administrative Review Law,
14 which is specifically incorporated in this Section, except
15 that the review must be initiated in the Illinois Appellate
16 Court for the First District. In the event judicial review
17 is instituted, any costs of preparing and filing the record
18 of proceedings shall be paid by the party instituting the
19 review. In the event the appellate court reverses a board
20 decision to dismiss a teacher or principal and directs the
21 board to pay the teacher or the principal back pay and
22 benefits, the appellate court shall remand the matter to
23 the board to issue an administrative decision as to the
24 amount of back pay and benefits, which shall include a
25 calculation of the lost earnings, lost benefits,
26 mitigation, and offsets based on evidence submitted to the

1 board in accordance with procedures established by the
2 board.

3 (b) Nothing in this Section affects the validity of removal
4 for cause hearings commenced prior to June 13, 2011 (the
5 effective date of Public Act 97-8).

6 The changes made by Public Act 97-8 shall apply to
7 dismissals instituted on or after September 1, 2011 or the
8 effective date of Public Act 97-8, whichever is later. Any
9 dismissal instituted prior to the effective date of these
10 changes must be carried out in accordance with the requirements
11 of this Section prior to amendment by Public Act 97-8.

12 (Source: P.A. 99-78, eff. 7-20-15.)

13 Section 10. The Personnel Record Review Act is amended by
14 changing Sections 8 and 9 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 old.
21 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 severe physical abuse.

1 (Source: P.A. 83-1104.)

2 (820 ILCS 40/9) (from Ch. 48, par. 2009)

3 Sec. 9. An employer shall not gather or keep a record of an
4 employee's associations, political activities, publications,
5 communications or nonemployment activities, unless the
6 employee submits the information in writing or authorizes the
7 employer in writing to keep or gather the information. This
8 prohibition shall not apply to (i) activities or associations
9 with individuals or groups involved in the physical, sexual, or
10 other exploitation of a minor or (ii) the activities that occur
11 on the employer's premises or during the employee's working
12 hours with that employer which interfere with the performance
13 of the employee's duties or the duties of other employees or
14 activities, regardless of when and where occurring, which
15 constitute criminal conduct or may reasonably be expected to
16 harm the employer's property, operations or business, or could
17 by the employee's action cause the employer financial
18 liability. A record which is kept by the employer as permitted
19 under this Section shall be part of the personnel record.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.