

AN ACT concerning education.

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

Section 5. The School Code is amended by adding Section 22-90 as follows:

(105 ILCS 5/22-90 new)

Sec. 22-90. School guidance counselor; gift ban.

(a) In this Section:

"Guidance counselor" means a person employed by a school district and working in a high school to offer students advice and assistance in making career or college plans.

"Prohibited source" means any person who is employed by an institution of higher education or is an agent or spouse of or an immediate family member living with a person employed by an institution of higher education.

"Relative" means an individual related to another as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister or the father, mother, grandfather, or

grandmother of the individual's spouse or the individual's fiancé or fiancée.

(b) A guidance counselor may not intentionally solicit or accept any gift from a prohibited source or solicit or accept a gift that would be in violation of any federal or State statute or rule. A prohibited source may not intentionally offer or make a gift that violates this Section.

(c) The prohibition in subsection (b) does not apply to any of the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the guidance counselor pays the market value.

(3) A gift from a relative.

(4) Anything provided by an individual on the basis of a personal friendship, unless the guidance counselor has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the guidance counselor and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the guidance counselor must consider the circumstances in which the gift was offered, including any of the following:

(A) The history of the relationship between the individual giving the gift and the guidance counselor,

including any previous exchange of gifts between those individuals.

(B) Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(C) Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.

(5) Bequests, inheritances, or other transfers at death.

(6) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

(7) Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.

Each exception listed under this subsection is mutually exclusive and independent of one another.

(d) A guidance counselor is not in violation of this Section if he or she promptly takes reasonable action to return the gift to the prohibited source or donates the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

A guidance counselor or prohibited source who

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intentionally violates this Section is guilty of a business offense and is subject to a fine of at least \$1,001 and up to \$5,000.