



SENATE JOURNAL

STATE OF ILLINOIS

**ONE HUNDRED THIRD GENERAL
ASSEMBLY**

41ST LEGISLATIVE DAY

THURSDAY, APRIL 27, 2023

12:23 O'CLOCK P.M.

SENATE
Daily Journal Index
41st Legislative Day

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The Senate met pursuant to adjournment.
Senator Linda Holmes, Aurora, Illinois, presiding.
Prayer by Chaplain Carla Matrisch, Civil Servant Ministries, Chatham, Illinois.
Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Glowiak Hilton moved that reading and approval of the Journal of Wednesday, April 26, 2023, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of 50 ILCS 707/20 (Law Enforcement Camera Grant Act), submitted by the Hazel Crest Police Department.

Reporting Requirement of 50 ILCS 707/20 (Law Enforcement Camera Grant Act), submitted by the Wheaton Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Arcola Police Department.

IDFPA Anti-Predatory Lending Database Semi-Annual Summary Report, submitted by the Department of Financial And Professional Regulation.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS**

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

160 N. LASALLE ST., STE. 720
CHICAGO, ILLINOIS 60601
312-814-2075

April 27, 2023

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 2-10, I am cancelling session scheduled for Friday, April 28, 2023.

If you have any questions, please contact my Chief of Staff Jake Butcher.

Sincerely,
s/Don Harmon
Don Harmon
Senate President

[April 27, 2023]

cc: Senate Republican Leader John F. Curran

PRESENTATION OF CELEBRATION OF LIFE RESOLUTIONS

SENATE RESOLUTION NO. 228

Offered by Senator McClure and all Senators:
Mourns the death of Fern Graven of Springfield.

SENATE RESOLUTION NO. 229

Offered by Senator McClure and all Senators:
Mourns the death of Ronnie Joe Reiher of Carlinville.

SENATE RESOLUTION NO. 230

Offered by Senator McClure and all Senators:
Mourns the death of Robert Lewis "Bob" Poorman, Ph.D.

SENATE RESOLUTION NO. 231

Offered by Senator McClure and all Senators:
Mourns the death of John M. Palmer Sr. of Springfield.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

PRESENTATION OF CONGRATULATORY RESOLUTIONS

SENATE RESOLUTION NO. 226

Offered by Senator Sims:
Recognizes Loyola University Chicago, the only Jesuit Catholic University in the State of Illinois.

SENATE RESOLUTION NO. 227

Offered by Senator Stadelman:
Congratulates Terry McGoldrick on his retirement from International Brotherhood of Electrical Workers Local 15.

Under the Rules, the foregoing resolutions were referred to the Committee on Assignments.

PRESENTATION OF RESOLUTION

Senator Feigenholtz offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 34

WHEREAS, Illinois is a culturally diverse state with an equally diverse tourism and hospitality industry; and

WHEREAS, Illinois is a premiere location for business and leisure travelers, offering fine dining, shopping, recreational activities, business, and a wide array of attractions; and

WHEREAS, Illinois is a vibrant and robust destination for local, national, and international visitors; and

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WHEREAS, It is essential to support the tourism and hospitality industry due to the vital part it plays in the State's economy; and

WHEREAS, In 2021, 97.1 million visitors spent \$32.2 billion across Illinois' economy, spanning multiple industries; and

WHEREAS, The \$32.2 billion in visitor spending means that nearly \$88.3 million was spent every day by visitors in Illinois in 2021; and

WHEREAS, Housing accommodations, food and beverage, recreation, retail shopping, local transportation, and air travel all flourish when the tourism and hospitality industry of Illinois is thriving; and

WHEREAS, The number of jobs sustained by tourism (388,800) supports 6.8% of all jobs in Illinois; and

WHEREAS, While the pandemic created enormous challenges for the tourism industry, the recovery has been strong; and

WHEREAS, The future of Illinois tourism is bright with no limit to its growth; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we recognize the formation of the Tourism and Hospitality Caucus to promote the industry throughout the State; and be it further

RESOLVED, That we encourage support for Illinois' tourism and hospitality industry.

REPORTS FROM STANDING COMMITTEES

Senator Peters, Chair of the Committee on Labor, to which was referred **House Bills Numbered 1120, 1122, 1258, 1615, 2845, 3227, 3301, 3491, 3733 and 3792**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peters, Chair of the Committee on Labor, to which was referred **House Bills Numbered 1132, 3249, 3370, 3400, 3448 and 3516**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 689

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred **House Bills Numbered 780, 1540, 2531 and 2826**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred **House Bills Numbered 1111, 2231, 3351, 3743, 3811 and 3817**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

[April 27, 2023]

Under the rules, the bills were ordered to a second reading.

Senator Joyce, Chair of the Committee on State Government, to which was referred **House Bills Numbered 1187, 3405, 3744, 3856, 3857, 3902 and 3903**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Joyce, Chair of the Committee on State Government, to which was referred **House Bills Numbered 3017 and 3768**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Joyce, Chair of the Committee on State Government, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 2372

Senate Amendment No. 1 to House Bill 2475

Senate Amendment No. 1 to House Bill 3563

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Glowiak Hilton, Chair of the Committee on Licensed Activities, to which was referred **House Bills Numbered 1367 and 2145**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Glowiak Hilton, Chair of the Committee on Licensed Activities, to which was referred **House Bills Numbered 1612, 2207, 2296, 2395, 2450, 2473 and 2499**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 333

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred **House Bills Numbered 1434, 2223, 2607, 3140, 3322, 3375 and 3414**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred **House Bill No. 3253**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Sims, Chair of the Special Committee on Criminal Law and Public Safety, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 2245

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Holmes, Chair of the Committee on Local Government, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 895

Senate Amendment No. 3 to Senate Bill 895

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Holmes, Chair of the Committee on Local Government, to which was referred **House Bills Numbered 475, 1067, 1236, 1465, 2079, 2154, 3424 and 3722**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Holmes, Chair of the Committee on Local Government, to which was referred **House Bill No. 1131**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator D. Turner, Chair of the Committee on Agriculture, to which was referred **House Bills Numbered 2461 and 3849**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator D. Turner, Chair of the Committee on Agriculture, to which was referred **House Bills Numbered 3677 and 3710**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Morrison, Chair of the Committee on Veterans Affairs, to which was referred **Senate Resolution No. 66**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 66** was placed on the Secretary's Desk.

Senator Morrison, Chair of the Committee on Veterans Affairs, to which was referred **House Bills Numbered 2500, 2856 and 3295**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Morrison, Chair of the Committee on Veterans Affairs, to which was referred **House Bill No. 925**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Simmons, Chair of the Committee on Human Rights, to which was referred **House Bill No. 1596**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Simmons, Chair of the Committee on Human Rights, to which was referred **House Bills Numbered 2297 and 3135**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Stadelman, Chair of the Committee on Energy and Public Utilities, to which was referred **House Bills Numbered 1190, 3702 and 3808**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Stadelman, Chair of the Committee on Energy and Public Utilities, to which was referred **House Bill No. 2219**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Stadelman, Chair of the Committee on Energy and Public Utilities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 3940

Senate Amendment No. 2 to House Bill 3940

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Ellman, Chair of the Committee on Environment and Conservation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 6 to Senate Bill 1769

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Ellman, Chair of the Committee on Environment and Conservation, to which was referred **House Bills Numbered 2301, 3095 and 3277**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Ellman, Chair of the Committee on Environment and Conservation, to which was referred **House Bills Numbered 2487 and 2776**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martwick, Chair of the Senate Special Committee on Pensions, to which was referred **House Bills Numbered 3161, 3162, 3646 and 3769**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

INTRODUCTION OF BILL

SENATE BILL NO. 2570. Introduced by Senator Cunningham, a bill for AN ACT concerning local government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

MESSAGE FROM THE HOUSE

A message from the House by

[April 27, 2023]

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1097

A bill for AN ACT concerning education.

HOUSE BILL NO. 2317

A bill for AN ACT concerning fish.

HOUSE BILL NO. 2911

A bill for AN ACT concerning State government.

HOUSE BILL NO. 3257

A bill for AN ACT concerning animals.

Passed the House, April 26, 2023.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 1097, 2317, 2911 and 3257** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1097, sponsored by Senator Halpin, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2317, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Lightford, **House Bill No. 342** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Castro, **House Bill No. 1283** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 2039** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2039

AMENDMENT NO. 1. Amend House Bill 2039 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Access to Public Health Data Act.

Section 5. Definition. In this Act, "public health data" includes, but is not limited to, birth and death certificate data, hospital discharge data, adverse pregnancy outcomes reporting system (APORS) data, cancer registry data, syndromic surveillance data, and prescription monitoring program (PMP) data.

Section 10. Access to public health data; certified local health departments; safeguards.

(a) Notwithstanding any other provision of State law to the contrary, the Department of Public Health, the Department of Human Services, and the Department of Healthcare and Family Services shall, at the request of a certified local health department in this State, make any and all public health data related to residents of that certified local health department's jurisdiction available to that certified local health department for the purposes of preventing or controlling disease, injury, or disability. The commissioner,

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executive director, chief operating officer, chief medical officer, or equivalent executive leader of a certified local health department has express authority to request and receive such data.

(b) A certified local health department shall have access to data under this Act only for the purposes identified in this Act. The Department of Public Health, the Department of Human Services, the Department of Healthcare and Family Services, and the requesting certified local health department shall protect the privacy and security of data obtained under this Act in accordance with applicable federal and State law and shall apply appropriate administrative, physical, and technical safeguards to ensure the privacy and security of the data and protect the data from unauthorized access, use, or disclosure. Appropriate safeguards include, but are not limited to, authentication and authorization of users prior to gaining access to data obtained under this Act.

(c) A certified local health department shall apply appropriate controls to ensure that access to data under this Act is provided on a minimum, necessary basis and limited to only those persons whose public health duties and responsibilities require such access. Any data obtained under this Act and in the possession of a certified local health department shall be exempt from inspection and copying under subsection (pp) of Section 7 of the Freedom of Information Act. Any data obtained under this Act shall not be admissible as evidence nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person. The access to or disclosure of any information or data by a certified local health department under this Act shall not waive or have any effect upon its nondiscoverability or inadmissibility. The identity of any individual identified in data obtained under this Act shall be confidential and shall not be disclosed publicly or in any action of any kind.

Section 15. Data use agreements. A disclosing State department and the requesting certified local health department shall enter into a data use agreement to ensure appropriate, effective, and efficient use of data obtained under this Act by the certified local health department, though no data use agreement shall, in a manner inconsistent with the purpose or requirements of this Act, impede certified local health department access to any public health data available to the Department of Public Health, the Department of Human Services, or the Department of Healthcare and Family Services, nor shall it require indemnification as a prerequisite to access. Each disclosing State department shall execute a single master data use agreement that includes all data sets. Master data use agreements shall include data content, format, method of transfer, analytic and statistical methods, scope of use, and requirements for safeguarding the data. Pursuant to 77 Ill. Adm. Code 600.300, the executive officer of each certified local health department shall execute all master data use agreements. Each certified local health department shall be required to opt into applicable master data use agreements with each disclosing State department to obtain requested data. Certified local health departments shall not be required to opt into any master data use agreement unless they are requesting subject data. Furthermore, all State departments shall enter into interdepartmental agreements with other State departments to share applicable data with eligible certified local health departments.

Section 20. Latest available data. The Department of Public Health, the Department of Human Services, and the Department of Healthcare and Family Services must provide the latest available data for each certified local health department within 120 business days after completion of the applicable master data use agreement, except to the extent prohibited by current technology.

Section 25. Rules. The Department of Public Health, the Department of Human Services, and the Department of Healthcare and Family Services may adopt any rules necessary to implement this Act.

Section 900. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7)

(Text of Section before amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an

administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or ~~self-insurance self-insurance~~ (including any intergovernmental risk management association or ~~self-insurance self-insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment,

to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under ~~Section~~ ~~Sections~~ 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

~~(nn)~~ ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

~~(oo)~~ ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic crashes, traffic crash reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as

may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or ~~self-insurance self-insurance~~ (including any intergovernmental risk management association or ~~self-insurance self-insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under ~~Section Sections~~ 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

(oo) ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(pp) Information obtained by a certified local health department under the Access to Public Health Data Act.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff. 6-10-22; revised 12-13-22.)

Section 905. The Vital Records Act is amended by changing Section 24 as follows:

(410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

Sec. 24. (1) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the vital records system, access to vital records, and indexes thereof, including vital records in the custody of local registrars and county clerks originating prior to January 1, 1916, is limited to the custodian and his employees, and then only for administrative purposes, except that the indexes of those records in the custody of local registrars and county clerks, originating prior to January 1, 1916, shall be made available to persons for the purpose of genealogical research. Original, photographic or microphotographic reproductions of original records of births 100 years old and older and deaths 50 years old and older, and marriage records 75 years old and older on file in the State Office of Vital Records and in the custody of the county clerks may be made available for inspection in the Illinois State Archives reference area, Illinois Regional Archives Depositories, and other libraries approved by the Illinois State Registrar and the Director of the Illinois State Archives, provided that the photographic or microphotographic copies are made at no cost to the county or to the State of Illinois. It is unlawful for any custodian to permit inspection of, or to disclose information contained in, vital records, or to copy or permit to be copied, all or part of any such record except as authorized by this Act or regulations adopted pursuant thereto.

(2) The State Registrar of Vital Records, or his agent, and any municipal, county, multi-county, public health district, or regional health officer recognized by the Department may examine vital records for the purpose only of carrying out the public health programs and responsibilities under his jurisdiction.

(3) The State Registrar of Vital Records, may disclose, or authorize the disclosure of, data contained in the vital records when deemed essential for bona fide research purposes which are not for private gain.

This amendatory Act of 1973 does not apply to any home rule unit.

(4) The State Registrar shall exchange with the Department of Healthcare and Family Services information that may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015. Notwithstanding any provisions in this Act to the contrary, the State Registrar shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.

(5) No rule adopted by the Department shall be construed, either explicitly or implicitly, as restricting access to vital records by any municipality, county, multicounty, public health district, or regional health officer recognized by the Department for the purposes described in subsections (2) and (3).

(Source: P.A. 99-85, eff. 1-1-16.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Johnson, **House Bill No. 2040** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 2043** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Financial Institutions, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2043

AMENDMENT NO. 1. Amend House Bill 2043 on page 11, immediately below line 24, by inserting the following:

"(h) Compliance review documents may be disclosed by the Secretary or a credit union to any person or entity to whom confidential supervisory information may be disclosed pursuant to subsection (3) of Section 9.1."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Gillespie, **House Bill No. 2076** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Edly-Allen, **House Bill No. 2086** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Conservation, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2086

AMENDMENT NO. 1. Amend House Bill 2086 on page 2, line 3, by replacing "local county" with "county"; and

on page 2, line 4, after "municipalities", by inserting "may regulate but".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Lewis, **House Bill No. 2094** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator N. Harris, **House Bill No. 2130** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 2156** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Johnson, **House Bill No. 2220** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2220

AMENDMENT NO. 1. Amend House Bill 2220 by replacing everything after the enacting clause with the following:

"Section 5. The Innkeeper Protection Act is amended by adding Sections 10 and 11 as follows:

(740 ILCS 90/10 new)

Sec. 10. Refusal of admission. A proprietor or manager of a hotel may refuse to admit or refuse service or accommodations to a person who:

(1) while on the premises of the hotel, destroys or threatens to destroy hotel property or causes or threatens to cause a public disturbance; or

(2) is seeking accommodations for the unlawful possession or use of controlled substances or the use of the premises for the consumption of alcoholic liquor by a person under the age of 21.

(740 ILCS 90/11 new)

Sec. 11. Right to eject.

(a) A proprietor or manager of a hotel may remove or cause to be removed from a hotel a guest or other person who:

(1) refuses to pay for accommodations or services;

(2) while on the premises of the hotel, destroys or threatens to destroy hotel property, verbally or physically threatens employees or guests, or causes or threatens to cause a public disturbance;

(3) is using the premises for the unlawful possession or use of controlled substances by the person or using the premises for the consumption of alcoholic liquor by a person under the age of 21 years of age;

(4) violates any federal, State, or local laws, ordinances, or rules relating to the hotel;

(5) violates a rule of the hotel that is clearly and conspicuously posted at or near the front desk or posted online where the guest can view it before making a reservation at the hotel; or

(6) uses verbally abusive language toward the hotel's employees or guests. As used in this Section, "verbally abusive language" means any language that would reasonably be found to be threatening or demeaning.

(b) If the guest has paid in advance, the proprietor or manager of a hotel shall tender to the guest any unused portion of the advance payment at the time of removal.

(c) Nothing in this Section shall be used as a pretext to discriminate against a guest on the basis of characteristics protected under local, State, or federal antidiscrimination laws. This Section does not limit any rights or protections that a guest or other person may have under local, State, or federal antidiscrimination or civil rights laws.

(d) A proprietor or manager of a hotel shall not eject a guest while the area the hotel is located in is under a severe weather warning without first giving a verbal or written warning to the guest that the guest may be ejected for the guest's behavior. As used in this subsection, "severe weather warning" means a tornado warning, severe thunderstorm warning, flash flood warning, or winter storm warning issued by the National Weather Service.

(e) Nothing in this Section shall be used as a pretext to terminate a month-to-month, yearly, or any other term lease, written or oral, of a permanent resident. A proprietor or manager of a hotel shall not terminate the lease of a permanent resident without first going through the appropriate legal process required to lawfully terminate such lease. This Section does not limit any rights or protections a permanent resident may have under local, State, or federal landlord or tenant laws or fair housing laws.

Section 99. Effective date. This Act takes effect 60 days after becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Ellman, **House Bill No. 2325** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2332** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Glowiak Hilton, **House Bill No. 2394** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2394

AMENDMENT NO. 1 . Amend House Bill 2394 on page 24, line 23, by replacing "~~regular registered or certified~~" with "registered or certified"; and

on page 24, line 25, after "record", by inserting "or, if in the course of the administrative proceeding the party has previously designated a specific email address at which to accept electronic service for that specific proceeding, by sending a copy by email to an email address on record".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Ellman, **House Bill No. 2471** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2471

AMENDMENT NO. 1 . Amend House Bill 2471, on page 4, line 22, by replacing "The State" with "Subject to appropriation, the State"; and

on page 5, line 3, by replacing "Subject to appropriation, a" with "A".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Simmons, **House Bill No. 2562** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 2624** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 2717** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 2782** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 2954** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 3149** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lewis, **House Bill No. 3202** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fine, **House Bill No. 3230** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Behavioral and Mental Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3230

AMENDMENT NO. 1. Amend House Bill 3230 on page 4, line 3, by deleting "actuarially"; and

on page 6, line 11, after "Services", by inserting "to conduct a cost analysis and determine sound costs as outlined in this Section"; and

on page 9, line 2, by replacing "parent, and" with "parents, "; and

on page 9, line 3, by deleting "and"; and

on page 9, line 4, after "providers", by inserting ", and labor unions that represent workers in the behavioral health workforce".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Loughran Cappel, **House Bill No. 3442** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bryant, **House Bill No. 3456** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3456

AMENDMENT NO. 1. Amend House Bill 3456 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Department of Natural Resources World Shooting and Recreational Complex Act.

Section 5. Legislative intent. The General Assembly finds that authorizing the Department of Natural Resources to enter into a public-private partnership will allow the World Shooting and Recreational Complex to become a fully reactivated space in a timely manner and is in the best interest of the State and the local community.

Section 10. Definitions.

"Contractor" means a person who has been selected to enter or has entered into a public-private agreement with the Department on behalf of the State for the development, financing, management, or operation of the World Shooting and Recreational Complex pursuant to this Act.

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

"Maintain" or "maintenance" includes ordinary maintenance, repair, rehabilitation, capital maintenance, replacement, and any other categories of maintenance that may be designated by the Department.

"Offeror" means a person who responds to a request for proposals under this Act.

"Operate" or "operation" means to do one or more of the following: maintain, improve, equip, modify, or otherwise operate.

"Person" means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, or any other legal entity, group, or combination thereof.

"Public-private agreement" means an agreement or contract between the Department and the contractor on behalf of the State and all schedules, exhibits, and attachments thereto, entered into pursuant to a competitive request for proposals process governed by this Act, for the financing, management and operation of the World Shooting and Recreational Complex under this Act.

"Revenues" means all revenues including, but not limited to, income, user fees, earnings, interest, lease payments, allocations, moneys from the federal government, the State, and units of local government, including, but not limited to, federal, State, and local appropriations, grants, loans, lines of credit, and credit guarantees; bond proceeds; equity, investments; service payments; or other receipts arising out of or in connection with the financing, development, management, or operation of the World Shooting and Recreational Complex.

"World Shooting and Recreational Complex" means real property in Sparta, Illinois consisting of approximately 1,620 acres including a 117-acre lake, over 1,000 camping sites, 120 trap houses, 2 sporting clays courses, 24 combination trap skeet fields, cowboy action shooting area, vendor mall, and restaurant.

Section 15. Authority to enter public-private agreement. Notwithstanding any provision of law to the contrary, the Department on behalf of the State may enter into a public-private agreement to develop, finance, lease, manage, and operate the World Shooting and Recreational Complex on behalf of the State, pursuant to which the contractors may receive certain revenues, including management or user fees in consideration of the payment of moneys to the State for that right.

Section 20. Engagement prior to request for proposals. The Director or the Director's designee may, prior to soliciting requests for proposals, enter into discussions with interested persons in order to assess existing market conditions and demands, provided that no such interested persons shall have any role in drafting any request for proposals, nor shall any request for proposal be provided to any interested person prior to its general public distribution. The Director may issue a request for qualifications that requests interested persons to provide such information as the Director deems necessary in order to evaluate the qualifications of such interested persons. This may include, but is not limited to, the ability of interested persons to acquire the property, as determined by the Director. Such engagement and discussions with interested persons are exempt from Section 50-10.5, 50-39, 50-40, 50-45, 50-50 of the Illinois Procurement Code.

Section 25. Requests for proposals. If requests for proposals are made by the Department, the Department shall comply with the competitive request for proposals process under Article 20 of the Illinois Procurement Code, rules adopted under that Code, and this Act.

Section 30. Request for proposal process.

(a) The Department on behalf of the State may select a contractor through a competitive request for proposals process under Article 20 of the Illinois Procurement Code and rules adopted under that Article of the Code.

(b) The competitive request for proposals process shall solicit statements of qualification and proposals from offerors.

(c) In addition to any requirements under Article 20 of the Illinois Procurement Code, the competitive request for proposals process may take into account the following criteria:

(1) the offeror's plans for the World Shooting and Recreational Complex project;

(2) the offeror's current and past business practices; and

(3) the offeror's poor or inadequate past performance in developing, financing, constructing, maintaining, or operating other historic landmark properties or other public assets.

Section 35. Provisions of the public-private agreement.

(a) The public-private agreement may include, but is not limited to, the following:

(1) the powers, duties, responsibilities, obligations, and functions of the Department and the contractor;

(2) compensation or payments to the Department, if applicable;

(3) compensation or payments to the contractor, if applicable;

(4) a provision specifying that the Department:

(A) has ready access to information regarding the contractor's powers, duties, responsibilities, obligations, and functions under the public-private agreement;

(B) has the right to demand and receive information from the contractor concerning any aspect of the contractor's powers, duties, responsibilities, obligations, and functions under the public-private agreement; and

(C) has the authority to direct or countermand decisions by the contractor at any time.

(5) the authority of the contractor to impose user fees and the amounts of those fees;

(6) a provision governing the deposit and allocation of revenues including user fees;

(7) a provision governing rights to real and personal property of the State, the Department, the contractor, and other third parties;

(8) rights and remedies of the Department if the contractor defaults or otherwise fails to comply with the terms of the agreement; and

(9) all other terms, conditions, and provisions acceptable to the Department that the Department deems necessary and proper and in the public interest.

Section 40. Term of agreement; Reversion of property to the Department.

(a) The term of any public-private agreement shall be no less than 25 years and no more than 99 years.

(b) The Department may terminate the contractor's authority and duties under the public-private agreement on the date set forth in the public-private agreement. The Department may also terminate the public-private agreement pursuant to any clause or condition as set forth in the public-private agreement.

(c) Upon termination of the public-private agreement, the authority, and duties of the contractor under this Act cease, except for those duties and obligations that extend beyond the termination, as set forth in the public-private agreement, and all interests in the World Shooting and Recreational Complex shall revert to the Department.

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Loughran Cappel, **House Bill No. 3500** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fowler, **House Bill No. 3578** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Johnson, **House Bill No. 3592** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Simmons, **House Bill No. 3631** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3631

AMENDMENT NO. 1. Amend House Bill 3631 on page 8, line 26, by replacing "2023 ~~2022~~" with "2022"; and

on page 9, immediately below line 7, by inserting the following:

[April 27, 2023]

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Faraci, **House Bill No. 3680** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **House Bill No. 3801** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, **House Bill No. 3809** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Faraci, **House Bill No. 3819** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Behavioral and Mental Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3819

AMENDMENT NO. 1. Amend House Bill 3819 by replacing everything after the enacting clause with the following:

"Section 5. The Community-Law Enforcement and Other First Responder Partnership for Deflection and Substance Use Disorder Treatment Act is amended by changing Sections 1, 5, 10, 15, 20, 21, 30, and 35 as follows:

(5 ILCS 820/1)

Sec. 1. Short title. This Act may be cited as the Community Community-Law Enforcement and Other First Responder Partnership for Deflection and Substance Use Disorder Treatment Act.
(Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

(5 ILCS 820/5)

Sec. 5. Purposes. The General Assembly hereby acknowledges that opioid use disorders, overdoses, and deaths in Illinois are persistent and growing concerns for Illinois communities. These concerns compound existing challenges to adequately address and manage substance use and mental health disorders. Local government agencies, law Law enforcement officers, other first responders, and co-responders have a unique opportunity to facilitate connections to community-based services, including case management, and mental and behavioral health interventions that provide harm reduction or substance use treatment and can help save and restore lives; help reduce drug use, overdose incidence, criminal offending, and recidivism; and help prevent arrest and conviction records that destabilize health, families, and opportunities for community citizenship and self-sufficiency. These efforts are bolstered when pursued in partnership with licensed behavioral health treatment providers and community members or organizations. It is the intent of the General Assembly to authorize law enforcement, and other first responders, and local government agencies to develop and implement collaborative deflection programs in Illinois that offer immediate pathways to substance use treatment and other services as an alternative to traditional case processing and involvement in the criminal justice system, and to unnecessary admission to emergency departments.
(Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

(5 ILCS 820/10)

Sec. 10. Definitions. In this Act:

"Case management" means those services which use evidence-based practices, including harm reduction and motivational interviewing, to will assist persons in gaining access to needed social, educational, medical, substance use and mental health treatment, and other services.

"Community member or organization" means an individual volunteer, resident, public office, or a not-for-profit organization, religious institution, charitable organization, or other public body committed to the improvement of individual and family mental and physical well-being and the overall social welfare of the community, and may include persons with lived experience in recovery from substance use disorder, either themselves or as family members.

"Other first responder" means and includes emergency medical services providers that are public units of government, fire departments and districts, and officials and responders representing and employed by these entities.

"Deflection program" means a program in which a peace officer or member of a law enforcement agency, ~~or other first responder, or local government agency~~ facilitates contact between an individual and a licensed substance use treatment provider, ~~or clinician, or case management agency~~ for assessment and coordination of treatment planning, including co-responder approaches that incorporate behavioral health, peer, or social work professionals with law enforcement or other first responders at the scene. This facilitation includes defined criteria for eligibility and communication protocols agreed to by the law enforcement agency or other first responder entity and the licensed treatment provider or case management agency for the purpose of providing substance use treatment or care collaboration to those persons in lieu of arrest or further justice system involvement, or unnecessary admissions to the emergency department. Deflection programs may include, but are not limited to, the following types of responses:

(1) a post-overdose deflection response initiated by a peace officer or law enforcement agency subsequent to emergency administration of medication to reverse an overdose, or in cases of severe substance use disorder with acute risk for overdose;

(2) a self-referral deflection response initiated by an individual by contacting a peace officer, ~~or law enforcement agency, or other first responder, or local government agency~~ in the acknowledgment of their substance use or disorder;

(3) an active outreach deflection response initiated by a peace officer, ~~or law enforcement agency, or other first responder, or local government agency~~ as a result of proactive identification of persons thought likely to have a substance use disorder or untreated or undiagnosed mental illness;

(4) an officer, ~~or other first responder, or local government agency~~ prevention deflection response initiated by a peace officer, ~~or law enforcement agency, or local government agency~~ in response to a community call when no criminal charges are present; ~~and~~

(5) an officer intervention during routine activities, such as patrol or deflection response to a service call during which a referral to treatment, to services, or to a case manager is made in lieu of arrest when criminal charges are present but held in abeyance pending engagement with treatment.

"Harm reduction" means a reduction of, or attempt to reduce, the adverse consequences of substance use, including, but not limited to, by addressing the substance use and conditions that give rise to the substance use. "Harm reduction" includes, but is not limited to, syringe service programs, naloxone distribution, and public awareness campaigns about the Good Samaritan Act.

"Law enforcement agency" means a municipal police department or county sheriff's office of this State, the Illinois State Police, or other law enforcement agency whose officers, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

"Licensed treatment provider" means an organization licensed by the Department of Human Services to perform an activity or service, or a coordinated range of those activities or services, as the Department of Human Services may establish by rule, such as the broad range of emergency, outpatient, intensive outpatient, and residential services and care, including assessment, diagnosis, case management, medical, psychiatric, psychological and social services, medication-assisted treatment, care and counseling, and recovery support, which may be extended to persons to assess or treat substance use disorder or to families of those persons.

"Local government agency" means a county, municipality, or township office, a State's Attorney's Office, a Public Defender's Office, or a local health department.

"Peace officer" means any peace officer or member of any duly organized State, county, or municipal peace officer unit, any police force of another State, or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

"Substance use disorder" means a pattern of use of alcohol or other drugs leading to clinical or functional impairment, in accordance with the definition in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), or in any subsequent editions.

"Treatment" means the broad range of emergency, outpatient, intensive outpatient, and residential services and care (including assessment, diagnosis, case management, medical, psychiatric, psychological and social services, medication-assisted treatment, care and counseling, and recovery support) which may be

extended to persons who have substance use disorders, persons with mental illness, or families of those persons.

(Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(5 ILCS 820/15)

Sec. 15. Authorization.

(a) Any law enforcement agency, ~~or~~ other first responder entity, or local government agency may establish a deflection program subject to the provisions of this Act in partnership with one or more licensed providers of substance use disorder treatment services and one or more community members or organizations. Programs established by another first responder entity or a local government agency shall also include a law enforcement agency.

(b) The deflection program may involve a post-overdose deflection response, a self-referral deflection response, a pre-arrest diversion response, an active outreach deflection response, an officer or other first responder prevention deflection response, or an officer intervention deflection response, or any combination of those.

(c) Nothing shall preclude the General Assembly from adding other responses to a deflection program, or preclude a law enforcement agency, ~~or~~ other first responder entity, or local government agency from developing a deflection program response based on a model unique and responsive to local issues, substance use or mental health needs, and partnerships, using sound and promising or evidence-based practices.

(c-5) Whenever appropriate and available, case management should be provided by a licensed treatment provider or other appropriate provider and may include peer recovery support approaches.

(d) To receive funding for activities as described in Section 35 of this Act, planning for the deflection program shall include:

(1) the involvement of one or more licensed treatment programs and one or more community members or organizations; and

(2) an agreement with the Illinois Criminal Justice Information Authority to collect and evaluate relevant statistical data related to the program, as established by the Illinois Criminal Justice Information Authority in paragraph (2) of subsection (a) of Section 25 of this Act.

(3) an agreement with participating licensed treatment providers authorizing the release of statistical data to the Illinois Criminal Justice Information Authority, in compliance with State and Federal law, as established by the Illinois Criminal Justice Information Authority in paragraph (2) of subsection (a) of Section 25 of this Act.

(Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19; 101-652, eff. 7-1-21.)

(5 ILCS 820/20)

Sec. 20. Procedure. The law enforcement agency, ~~or~~ other first responder entity, local government agency, licensed treatment providers, and community members or organizations shall establish a local deflection program plan that includes protocols and procedures for participant identification, screening or assessment, case management, treatment facilitation, reporting, restorative justice, and ongoing involvement of the law enforcement agency. Licensed substance use disorder treatment organizations shall adhere to 42 CFR Part 2 regarding confidentiality regulations for information exchange or release. Substance use disorder treatment services shall adhere to all regulations specified in Department of Human Services Administrative Rules, Parts 2060 and 2090.

A deflection program organized and operating under this Act may accept, receive, and disburse, in furtherance of its duties and functions, any funds, grants, and services made available by the State and its agencies, the federal government and its agencies, units of local government, and private or civic sources.

(Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

(5 ILCS 820/21)

Sec. 21. Training. Employees of the ~~The~~ law enforcement agency, ~~or~~ other first responder entity, or local government agency who are participating in programs that receive funding for services under Section 35 of this Act ~~shall~~ and that receive training under subsection (a.1) of Section 35 shall be trained in:

- (a) Neuroscience of Addiction for Law Enforcement;
- (b) Medication-Assisted Treatment;
- (c) Criminogenic Risk-Need for Health and Safety;
- (d) Why Drug Treatment Works?;
- (e) Eliminating Stigma for People with Substance-Use Disorders and Mental Health;
- (f) Avoiding Racial Bias in Deflection Program;

- (g) Promotion Racial and Gender Equity in Deflection;
- (h) Working With Community Partnerships; ~~and~~
- (i) Deflection in Rural Communities; ~~and~~
- (j) Harm Reduction.

(Source: P.A. 101-652, eff. 7-1-21.)

(5 ILCS 820/30)

Sec. 30. Exemption from civil liability. The law enforcement agency, ~~or~~ peace officer, ~~or~~ other first responder, or local government agency or employee of the agency acting in good faith shall not, as the result of acts or omissions in providing services under Section 15 of this Act, be liable for civil damages, unless the acts or omissions constitute willful and wanton misconduct.

(Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

(5 ILCS 820/35)

Sec. 35. Funding.

(a) The General Assembly may appropriate funds to the Illinois Criminal Justice Information Authority for the purpose of funding law enforcement agencies, ~~or~~ other first responder entities, or local government agencies for services provided by deflection program partners as part of deflection programs subject to subsection (d) of Section 15 of this Act.

(a.1) Up to 10 percent of appropriated funds may be expended on activities related to knowledge dissemination, training, technical assistance, or other similar activities intended to increase practitioner and public awareness of deflection and/or to support its implementation. The Illinois Criminal Justice Information Authority may adopt guidelines and requirements to direct the distribution of funds for these activities.

(b) For all appropriated funds not distributed under subsection (a.1), the Illinois Criminal Justice Information Authority may adopt guidelines and requirements to direct the distribution of funds for expenses related to deflection programs. Funding shall be made available to support both new and existing deflection programs in a broad spectrum of geographic regions in this State, including urban, suburban, and rural communities. Funding for deflection programs shall be prioritized for communities that have been impacted by the war on drugs, communities that have a police/community relations issue, and communities that have a disproportionate lack of access to mental health and drug treatment. Activities eligible for funding under this Act may include, but are not limited to, the following:

(1) activities related to program administration, coordination, or management, including, but not limited to, the development of collaborative partnerships with licensed treatment providers and community members or organizations; collection of program data; or monitoring of compliance with a local deflection program plan;

(2) case management including case management provided prior to assessment, diagnosis, and engagement in treatment, as well as assistance navigating and gaining access to various treatment modalities and support services;

(3) peer recovery or recovery support services that include the perspectives of persons with the experience of recovering from a substance use disorder, either themselves or as family members;

(4) transportation to a licensed treatment provider or other program partner location;

(5) program evaluation activities;

(6) naloxone and related harm reduction supplies necessary for carrying out overdose prevention and reversal for purposes of distribution to program participants or for use by law enforcement, ~~or~~ other first responders, or local government agencies; ~~and~~

(7) treatment necessary to prevent gaps in service delivery between linkage and coverage by other funding sources when otherwise non-reimbursable; and-

(8) wraparound participant funds to be used to incentivize participation and meet participant needs. Eligible items include, but are not limited to, clothing, transportation, application fees, emergency shelter, utilities, toiletries, medical supplies, haircuts, and snacks. Food and drink is allowed if it is necessary for the program's success where it incentivizes participation in case management or addresses an emergency need as a bridge to self-sufficiency when other sources of emergency food are not available.

(c) Specific linkage agreements with recovery support services or self-help entities may be a requirement of the program services protocols. All deflection programs shall encourage the involvement of key family members and significant others as a part of a family-based approach to treatment. All deflection programs are encouraged to use evidence-based practices and outcome measures in the provision of case

management, substance use disorder treatment, and medication-assisted treatment for persons with opioid use disorders.
(Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21; 102-813, eff. 5-13-22.)

Section 95. Illinois Compiled Statutes reassignment. The Legislative Reference Bureau shall reassign the following Act to the specified location in the Illinois Compiled Statutes and file appropriate documents with the Index Division of the Office of the Secretary of State in accordance with subsection (c) of Section 5.04 of the Legislative Reference Bureau Act:

Community Partnership for Deflection and Substance Use Disorder Treatment Act, reassigned from 5 ILCS 820/ to 50 ILCS 71/."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Porfirio, **House Bill No. 3876** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 3890** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 1:00 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

At the hour of 1:05 o'clock p.m., the Senate resumed consideration of business.
Senator Holmes, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its April 27, 2023 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Special Committee on Criminal Law and Public Safety: **House Bill No. 3345**.

Senator Lightford, Chair of the Committee on Assignments, during its April 27, 2023 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 2 to Senate Bill 1872

The foregoing floor amendment was placed on the Secretary's Desk.

SENATE BILL RECALLED

On motion of Senator Simmons, **Senate Bill No. 689** was recalled from the order of third reading to the order of second reading.

Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 689

AMENDMENT NO. 1. Amend Senate Bill 689 by replacing everything after the enacting clause with the following:"

Section 5. The Illinois Local Library Act is amended by adding Section 1-8 as follows:

[April 27, 2023]

(75 ILCS 5/1-8 new)

Sec. 1-8. Book bans prohibited. The board of trustees or staff of a public library established under this Act shall not limit access to biographies, autobiographies, memoirs, or any other books or materials in the library or prohibit the purchase for the library's collection of biographies, autobiographies, memoirs, or any other books or materials based upon the depiction in those books or materials of matters of race, ethnicity, sexual orientation, sexual and reproductive health, gender identity, religion, human rights activism, or any other subject. This Section does not restrict the board of trustees or staff of a public library established under this Act from imposing limitations on access to books or materials in the library for public safety reasons or based upon the age and developmental level of persons who will have access to those books or materials.

Section 10. The Illinois Library System Act is amended by changing Section 3 as follows:
(75 ILCS 10/3) (from Ch. 81, par. 113)

Sec. 3. The State Librarian and his or her staff shall administer the provisions of this Act and shall prescribe such rules and regulations as are necessary to carry the provisions of this Act into effect.

The rules and regulations established by the State Librarian for the administration of this Act shall be designed to achieve the following standards and objectives:

(A) provide library service for every citizen in the state by extending library facilities to areas not now served;:-

(B) provide library materials for student needs at every educational level;:-

(C) provide adequate library materials to satisfy the reference and research needs of the people of this state;:-

(D) provide an adequate staff of professionally trained librarians for the state;:-

(E) provide an adequate stock of books and other materials sufficient in size and varied in kind and subject matter to satisfy the library needs of the people of this state;:-

(F) provide adequate library outlets and facilities convenient in time and place to serve the people of this state;:-

(G) encourage existing and new libraries to develop library systems serving a sufficiently large population to support adequate library service at reasonable cost;:-

(H) foster the economic and efficient utilization of public funds;:-

(I) promote the full utilization of local pride, responsibility, initiative and support of library service and at the same time employ state aid as a supplement to local support; and:-

(J) prohibit the library systems established under this Act and their staff from limiting access to biographies, autobiographies, memoirs, or any other books or materials and prohibit the purchase of biographies, autobiographies, memoirs, or any other books or materials based upon the depiction in those books or materials of matters of race, ethnicity, sexual orientation, gender identity, religion, human rights activism, or any other subject. This paragraph (J) does not restrict a library system or its staff from imposing limitations on access to books or materials in the library system for public safety reasons or based upon the age and developmental level of persons who will have access to those books or materials.

The Advisory Committee of the Illinois State Library shall confer with, advise and make recommendations to the State Librarian regarding any matter under this Act and particularly with reference to the formation of library systems.

(Source: Laws 1965, p. 3077.)

Section 15. The Public Library District Act of 1991 is amended by adding Section 1-60 as follows:
(75 ILCS 16/1-60 new)

Sec. 1-60. Book bans prohibited. The board of trustees or staff of a library established under this Act shall not limit access to biographies, autobiographies, memoirs, or any other books or materials in the library or prohibit the purchase for the library's collection of biographies, autobiographies, memoirs, or any other books or materials based upon the depiction in those materials of matters of race, ethnicity, sexual orientation, sexual and reproductive health, gender identity, religion, human rights activism, or any other subject. This Section does not restrict the board of trustees or staff of a library established under this Act from imposing limitations on access to books or materials in the library for public safety reasons or based upon the age and developmental level of persons who will have access to those books or materials.

Section 20. The Village Library Act is amended by adding Section 6 as follows:
(75 ILCS 40/6 new)

Sec. 6. Book bans prohibited. The board of trustees or staff of a village library established under this Act shall not limit access to biographies, autobiographies, memoirs, or any other books or materials in the library or prohibit the purchase for the village library's collection of biographies, autobiographies, memoirs, or any other books or materials based upon the depiction in those materials of matters of race, ethnicity, sexual orientation, sexual and reproductive health, gender identity, religion, human rights activism, or any other subject. This Section does not restrict the board of trustees of a village library established under this Act from imposing limitations on access to books or materials in the village library for public safety reasons or based upon the age and developmental level of persons who will have access to those books or materials.

Section 25. The School Code is amended by adding Sections 10-20.85 and 34-18.82 as follows:
(105 ILCS 5/10-20.85 new)

Sec. 10-20.85. Book bans prohibited. Neither a school district nor its staff shall limit access to biographies, autobiographies, memoirs, or any other books or materials in a school library or prohibit the purchase for the school library's collection of biographies, autobiographies, memoirs, or any other books or materials based upon the depiction in those materials of matters of race, ethnicity, sexual orientation, sexual and reproductive health, gender identity, religion, human rights activism, or any other subject. This Section does not restrict a school district or its staff from imposing limitations on access to books or materials in a school library for public safety reasons or based upon the age and developmental level of students who will have access to those books or materials.

(105 ILCS 5/34-18.82 new)

Sec. 34-18.82. Book bans prohibited. Neither the school district nor its staff shall limit access to biographies, autobiographies, memoirs, or any other books or materials in a school library or prohibit the purchase for the school library's collection of biographies, autobiographies, memoirs, or any other books or materials based upon the depiction in those materials of matters of race, ethnicity, sexual orientation, sexual and reproductive health, gender identity, religion, human rights activism, or any other subject. This Section does not restrict the school district or its staff from imposing limitations on access to books or materials in a school library for public safety reasons or based upon the age and developmental level of students who will have access to those books or materials."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Simmons, **Senate Bill No. 689** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 35; NAYS 17.

The following voted in the affirmative:

Aquino	Fine	Lightford	Sims
Belt	Gillespie	Loughran Cappel	Stadelman
Castro	Glowiak Hilton	Martwick	Turner, D.
Cervantes	Halpin	Morrison	Ventura
Cunningham	Harris, N.	Murphy	Villa
Edly-Allen	Holmes	Peters	Villanueva
Ellman	Johnson	Porfirio	Villivalam
Faraci	Joyce	Preston	Mr. President
Feigenholtz	Koehler	Simmons	

[April 27, 2023]

The following voted in the negative:

Bennett	Harriss, E.	Rezin	Turner, S.
Bryant	Lewis	Rose	Wilcox
Chesney	McClure	Stoller	
Curran	McConchie	Syverson	
Fowler	Plummer	Tracy	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Pacione-Zayas asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 689**.

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 1352** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1352

AMENDMENT NO. 1. Amend Senate Bill 1352 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 24-14 as follows:

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

Sec. 24-14. Termination of contractual continued service by teacher. As used in this Section, "teaching assignment" means any full-time position that requires licensure under Article 21B of this Code.

A teacher, as defined in Section 24-11 of this Code, who has entered into contractual continued service may resign at any time by obtaining concurrence of the board or by serving at least 30 days' written notice upon the secretary of the board. During the school term, However, no teacher may resign during the school term, without the concurrence of the board, in order to accept another teaching assignment. Outside of a school term, a resignation submitted by any teacher after the completion of the school year must be submitted in writing to the secretary of the board a minimum of 30 calendar days prior to the first student attendance day of the following school year or else the teacher will be deemed to have resigned during the school term. Any teacher terminating said service not in accordance with this Section may be referred by the board to the State Superintendent of Education. A referral to the State Superintendent for an alleged violation of this Section must include (i) a dated copy of the teacher's resignation letter, (ii) a copy of the reporting district's current school year calendar, (iii) proof of employment for the school year at issue, (iv) documentation showing that the district's board did not accept the teacher's resignation, and (v) evidence that the teacher left the district in order to accept another teaching assignment. If the district intends to submit a referral to the State Superintendent, the district shall submit the referral to the State Superintendent within 10 business days after the board denies acceptance of the resignation. The district shall notify the teacher that it submitted the referral to the State Superintendent within 5 business days after submitting the referral to the State Superintendent. The State Superintendent or his or her designee shall convene an informal evidentiary hearing no later than 90 days after receipt of the required documentation from the school district as required in this Section of a resolution by the board. The teacher shall receive a written determination from the State Superintendent or his or her designee no later than 14 days after the hearing is completed. If the State Superintendent or his or her designee finds that the teacher resigned during the school term without the concurrence of the board to accept another teaching assignment, the State Superintendent must suspend the teacher's license for one calendar year. In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent or his or her designee.

[April 27, 2023]

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 1352** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 50; NAYS 2.

The following voted in the affirmative:

Aquino	Fine	Loughran Cappel	Sims
Belt	Fowler	Martwick	Stadelman
Bennett	Gillespie	McClure	Syverson
Bryant	Glowiak Hilton	McConchie	Turner, D.
Castro	Halpin	Morrison	Turner, S.
Cervantes	Harris, N.	Murphy	Ventura
Cunningham	Harriss, E.	Pacione-Zayas	Villa
Curran	Holmes	Peters	Villanueva
DeWitte	Johnson	Porfirio	Villivalam
Edly-Allen	Joyce	Preston	Wilcox
Ellman	Koehler	Rezin	Mr. President
Faraci	Lewis	Rose	
Feigenholtz	Lightford	Simmons	

The following voted in the negative:

Chesney
Plummer

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 1872** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1872

AMENDMENT NO. 1. Amend Senate Bill 1872 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 24-11, 24-12, and 34-84 as follows:
(105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

[April 27, 2023]

Sec. 24-11. Boards of Education - Boards of School Inspectors - Contractual continued service.

(a) As used in this and the succeeding Sections of this Article:

"Teacher" means any or all school district employees regularly required to be licensed under laws relating to the licensure of teachers.

"Board" means board of directors, board of education, or board of school inspectors, as the case may be.

"School term" means that portion of the school year, July 1 to the following June 30, when school is in actual session.

"Program" means a program of a special education joint agreement.

"Program of a special education joint agreement" means instructional, consultative, supervisory, administrative, diagnostic, and related services that are managed by a special educational joint agreement designed to service 2 or more school districts that are members of the joint agreement.

"PERA implementation date" means the implementation date of an evaluation system for teachers as specified by Section 24A-2.5 of this Code for all schools within a school district or all programs of a special education joint agreement.

(b) This Section and Sections 24-12 through 24-16 of this Article apply only to school districts having less than 500,000 inhabitants.

(c) Any teacher who is first employed as a full-time teacher in a school district or program prior to the PERA implementation date and who is employed in that district or program for a probationary period of 4 consecutive school terms shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal by certified mail, return receipt requested, by the employing board at least 45 days before the end of any school term within such period.

(d) For any teacher who is first employed as a full-time teacher in a school district or program on or after the PERA implementation date, the probationary period shall be one of the following periods, based upon the teacher's school terms of service and performance, before the teacher shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal by certified mail, return receipt requested, by the employing board on or before April 15 at least 45 days before the end of any school term within such period:

(1) 3 ~~4~~ consecutive school terms of service in which the teacher holds a Professional Educator License and receives overall annual evaluation ratings of at least "Proficient" in the last school term and at least "Proficient" in either the second and or third school terms term;

(2) 2 ~~3~~ consecutive school terms of service in which the teacher holds a Professional Educator License and receives 2 ~~3~~ overall annual evaluations of "Excellent"; or

(3) 2 consecutive school terms of service in which the teacher holds a Professional Educator License and receives 2 overall annual evaluations of "Excellent" service, but only if the teacher (i) previously attained contractual continued service in a different school district or program in this State, (ii) voluntarily departed or was honorably dismissed from that school district or program in the school term immediately prior to the teacher's first school term of service applicable to the attainment of contractual continued service under this subdivision (3), and (iii) received, in his or her 2 most recent overall annual or biennial evaluations from the prior school district or program, ratings of at least "Proficient", with both such ratings occurring after the school district's or program's PERA implementation date. For a teacher to attain contractual continued service under this subdivision (3), the teacher shall provide official copies of his or her 2 most recent overall annual or biennial evaluations from the prior school district or program to the new school district or program within 60 days from the teacher's first day of service with the new school district or program. The prior school district or program must provide the teacher with official copies of his or her 2 most recent overall annual or biennial evaluations within 14 days after the teacher's request. If a teacher has requested such official copies prior to 45 days after the teacher's first day of service with the new school district or program and the teacher's prior school district or program fails to provide the teacher with the official copies required under this subdivision (3), then the time period for the teacher to submit the official copies to his or her new school district or program must be extended until 14 days after receipt of such copies from the prior school district or program. If the prior school district or program fails to provide the teacher with the official copies required under this subdivision (3) within 90 days from the teacher's first day of service with the new school district or program, then the new school district or

program shall rely upon the teacher's own copies of his or her evaluations for purposes of this subdivision (3).

If the teacher does not receive overall annual evaluations of "Excellent" in the school terms necessary for eligibility to achieve accelerated contractual continued service in subdivisions (2) and (3) of this subsection (d), the teacher shall be eligible for contractual continued service pursuant to subdivision (1) of this subsection (d). If, at the conclusion of 3 4 consecutive school terms of service that count toward attainment of contractual continued service, the teacher's performance does not qualify the teacher for contractual continued service under subdivision (1) of this subsection (d), then the teacher shall not enter upon contractual continued service and shall be dismissed. If a performance evaluation is not conducted for any school term when such evaluation is required to be conducted under Section 24A-5 of this Code, then the teacher's performance evaluation rating for such school term for purposes of determining the attainment of contractual continued service shall be deemed "Proficient", except that, during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, this default to "Proficient" does not apply to any teacher who has entered into contractual continued service and who was deemed "Excellent" on his or her most recent evaluation. During any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and unless the school board and any exclusive bargaining representative have completed the performance rating for teachers or mutually agreed to an alternate performance rating, any teacher who has entered into contractual continued service, whose most recent evaluation was deemed "Excellent", and whose performance evaluation is not conducted when the evaluation is required to be conducted shall receive a teacher's performance rating deemed "Excellent". A school board and any exclusive bargaining representative may mutually agree to an alternate performance rating for teachers not in contractual continued service during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, as long as the agreement is in writing.

(e) For the purposes of determining contractual continued service, a school term shall be counted only toward attainment of contractual continued service if the teacher actually teaches or is otherwise present and participating in the district's or program's educational program for 120 days or more, provided that the days of leave under the federal Family Medical Leave Act that the teacher is required to take until the end of the school term shall be considered days of teaching or participation in the district's or program's educational program. A school term that is not counted toward attainment of contractual continued service shall not be considered a break in service for purposes of determining whether a teacher has been employed for 3 4 consecutive school terms, provided that the teacher actually teaches or is otherwise present and participating in the district's or program's educational program in the following school term.

(f) If the employing board determines to dismiss the teacher in the last year of the probationary period as provided in subsection (c) of this Section or subdivision (1) or (2) of subsection (d) of this Section, but not subdivision (3) of subsection (d) of this Section, the written notice of dismissal provided by the employing board must contain specific reasons for dismissal. Any full-time teacher who does not receive written notice from the employing board at least 45 days before the end of any school term as provided in this Section and whose performance does not require dismissal after the ~~third~~ ^{fourth} probationary year pursuant to subsection (d) of this Section shall be re-employed for the following school term.

(g) Contractual continued service shall continue in effect the terms and provisions of the contract with the teacher during the last school term of the probationary period, subject to this Act and the lawful regulations of the employing board. This Section and succeeding Sections do not modify any existing power of the board except with respect to the procedure of the discharge of a teacher and reductions in salary as hereinafter provided. Contractual continued service status shall not restrict the power of the board to transfer a teacher to a position which the teacher is qualified to fill or to make such salary adjustments as it deems desirable, but unless reductions in salary are uniform or based upon some reasonable classification, any teacher whose salary is reduced shall be entitled to a notice and a hearing as hereinafter provided in the case of certain dismissals or removals.

(h) If, by reason of any change in the boundaries of school districts, by reason of a special education cooperative reorganization or dissolution in accordance with Section 10-22.31 of this Code, or by reason of the creation of a new school district, the position held by any teacher having a contractual continued service status is transferred from one board to the control of a new or different board, then the contractual continued service status of the teacher is not thereby lost, and such new or different board is subject to this Code with respect to the teacher in the same manner as if the teacher were its employee and had been its employee

during the time the teacher was actually employed by the board from whose control the position was transferred.

(i) The employment of any teacher in a program of a special education joint agreement established under Section 3-15.14, 10-22.31 or 10-22.31a shall be governed by this and succeeding Sections of this Article. For purposes of attaining and maintaining contractual continued service and computing length of continuing service as referred to in this Section and Section 24-12, employment in a special educational joint program shall be deemed a continuation of all previous licensed employment of such teacher for such joint agreement whether the employer of the teacher was the joint agreement, the regional superintendent, or one of the participating districts in the joint agreement.

(j) For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of a reduction in the number of programs or positions in the joint agreement in which the notice of dismissal is provided on or before the end of the 2010-2011 school term, the teacher in contractual continued service is eligible for employment in the joint agreement programs for which the teacher is legally qualified in order of greater length of continuing service in the joint agreement, unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement. For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of a reduction in the number of programs or positions in the joint agreement in which the notice of dismissal is provided during the 2011-2012 school term or a subsequent school term, the teacher shall be included on the honorable dismissal lists of all joint agreement programs for positions for which the teacher is qualified and is eligible for employment in such programs in accordance with subsections (b) and (c) of Section 24-12 of this Code and the applicable honorable dismissal policies of the joint agreement.

(k) For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of the dissolution of a joint agreement, in which the notice to teachers of the dissolution is provided during the 2010-2011 school term, the teacher in contractual continued service who is legally qualified shall be assigned to any comparable position in a member district currently held by a teacher who has not entered upon contractual continued service or held by a teacher who has entered upon contractual continued service with a shorter length of contractual continued service. Any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of the dissolution of a joint agreement in which the notice to teachers of the dissolution is provided during the 2011-2012 school term or a subsequent school term, the teacher who is qualified shall be included on the order of honorable dismissal lists of each member district and shall be assigned to any comparable position in any such district in accordance with subsections (b) and (c) of Section 24-12 of this Code and the applicable honorable dismissal policies of each member district.

(l) The governing board of the joint agreement, or the administrative district, if so authorized by the articles of agreement of the joint agreement, rather than the board of education of a school district, may carry out employment and termination actions including dismissals under this Section and Section 24-12.

(m) The employment of any teacher in a special education program authorized by Section 14-1.01 through 14-14.01, or a joint educational program established under Section 10-22.31a, shall be under this and the succeeding Sections of this Article, and such employment shall be deemed a continuation of the previous employment of such teacher in any of the participating districts, regardless of the participation of other districts in the program.

(n) Any teacher employed as a full-time teacher in a special education program prior to September 23, 1987 in which 2 or more school districts participate for a probationary period of 2 consecutive years shall enter upon contractual continued service in each of the participating districts, subject to this and the succeeding Sections of this Article, and, notwithstanding Section 24-1.5 of this Code, in the event of the termination of the program shall be eligible for any vacant position in any of such districts for which such teacher is qualified.

(Source: P.A. 101-643, eff. 6-18-20; 102-552, eff. 1-1-22; 102-854, eff. 5-13-22.)

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

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

(a) This subsection (a) applies only to honorable dismissals and recalls in which the notice of dismissal is provided on or before the end of the 2010-2011 school term. If a teacher in contractual continued service is removed or dismissed as a result of a decision of the board to decrease the number of teachers employed by the board or to discontinue some particular type of teaching service, written notice shall be mailed to the teacher and also given the teacher either by certified mail, return receipt requested or personal delivery with receipt at least 60 days before the end of the school term, together with a statement of honorable dismissal and the reason therefor, and in all such cases the board shall first remove or dismiss all teachers who have not entered upon contractual continued service before removing or dismissing any teacher who has entered upon contractual continued service and who is legally qualified to hold a position currently held by a teacher who has not entered upon contractual continued service.

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

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

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

Each teacher must be categorized into one or more positions for which the teacher is qualified to hold, based upon legal qualifications and any other qualifications established in a district or joint agreement job description, on or before the May 10 prior to the school year during which the sequence of dismissal is determined. Within each position and subject to agreements made by the joint committee on honorable dismissals that are authorized by subsection (c) of this Section, the school district or joint agreement must establish 4 groupings of teachers qualified to hold the position as follows:

- (1) Grouping one shall consist of each teacher who is not in contractual continued service and who (i) has not received a performance evaluation rating, (ii) is employed for one school term or less

to replace a teacher on leave, or (iii) is employed on a part-time basis. "Part-time basis" for the purposes of this subsection (b) means a teacher who is employed to teach less than a full-day, teacher workload or less than 5 days of the normal student attendance week, unless otherwise provided for in a collective bargaining agreement between the district and the exclusive representative of the district's teachers. For the purposes of this Section, a teacher (A) who is employed as a full-time teacher but who actually teaches or is otherwise present and participating in the district's educational program for less than a school term or (B) who, in the immediately previous school term, was employed on a full-time basis and actually taught or was otherwise present and participated in the district's educational program for 120 days or more is not considered employed on a part-time basis.

(2) Grouping 2 shall consist of each teacher with a Needs Improvement or Unsatisfactory performance evaluation rating on either of the teacher's last 2 performance evaluation ratings.

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

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

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

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

Each board, including the governing board of a joint agreement, shall, in consultation with any exclusive employee representatives, each year establish a sequence of honorable dismissal list categorized by positions and the groupings defined in this subsection (b). Copies of the list showing each teacher by name and categorized by positions and the groupings defined in this subsection (b) must be distributed to the exclusive bargaining representative at least 75 days before the end of the school term, provided that the school district or joint agreement may, with notice to any exclusive employee representatives, move teachers from grouping one into another grouping during the period of time from 75 days until 45 days before the end of the school term. Each year, each board shall also establish, in consultation with any exclusive employee representatives, a list showing the length of continuing service of each teacher who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established as provided for in this Section, in which case a list must be made in accordance with the alternative method. Copies of the list must be distributed to the exclusive employee representative at least 75 days before the end of the school term.

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

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

is for the following school term or within 2 calendar years from the beginning of the following school term. If the board or joint agreement has any vacancies within the period from the beginning of the following school term through February 1 of the following school term (unless a date later than February 1, but no later than 6 months from the beginning of the following school term, is established in a collective bargaining agreement), the positions thereby becoming available must be tendered to the teachers so removed or dismissed who were in grouping 2 of the sequence of dismissal due to one "needs improvement" rating on either of the teacher's last 2 performance evaluation ratings, provided that, if 2 ratings are available, the other performance evaluation rating used for grouping purposes is "satisfactory", "proficient", or "excellent", and are qualified to hold the positions, based upon legal qualifications and any other qualifications established in a district or joint agreement job description, on or before the May 10 prior to the date of the positions becoming available. On and after July 1, 2014 (the effective date of Public Act 98-648), the preceding sentence shall apply to teachers removed or dismissed by honorable dismissal, even if notice of honorable dismissal occurred during the 2013-2014 school year. Among teachers eligible for recall pursuant to the preceding sentence, the order of recall must be in inverse order of dismissal, unless an alternative order of recall is established in a collective bargaining agreement or contract between the board and a professional faculty members' organization. Whenever the number of honorable dismissal notices based upon economic necessity exceeds 5 notices or 150% of the average number of teachers honorably dismissed in the preceding 3 years, whichever is more, then the school board or governing board of a joint agreement, as applicable, shall also hold a public hearing on the question of the dismissals. Following the hearing and board review, the action to approve any such reduction shall require a majority vote of the board members.

For purposes of this subsection (b), subject to agreement on an alternative definition reached by the joint committee described in subsection (c) of this Section, a teacher's performance evaluation rating means the overall performance evaluation rating resulting from an annual or biennial performance evaluation conducted pursuant to Article 24A of this Code by the school district or joint agreement determining the sequence of dismissal, not including any performance evaluation conducted during or at the end of a remediation period. No more than one evaluation rating each school term shall be one of the evaluation ratings used for the purpose of determining the sequence of dismissal. Except as otherwise provided in this subsection for any performance evaluations conducted during or at the end of a remediation period, if multiple performance evaluations are conducted in a school term, only the rating from the last evaluation conducted prior to establishing the sequence of honorable dismissal list in such school term shall be the one evaluation rating from that school term used for the purpose of determining the sequence of dismissal. Averaging ratings from multiple evaluations is not permitted unless otherwise agreed to in a collective bargaining agreement or contract between the board and a professional faculty members' organization. The preceding 3 sentences are not a legislative declaration that existing law does or does not already require that only one performance evaluation each school term shall be used for the purpose of determining the sequence of dismissal. For performance evaluation ratings determined prior to September 1, 2012, any school district or joint agreement with a performance evaluation rating system that does not use either of the rating category systems specified in subsection (d) of Section 24A-5 of this Code for all teachers must establish a basis for assigning each teacher a rating that complies with subsection (d) of Section 24A-5 of this Code for all of the performance evaluation ratings that are to be used to determine the sequence of dismissal. A teacher's grouping and ranking on a sequence of honorable dismissal shall be deemed a part of the teacher's performance evaluation, and that information shall be disclosed to the exclusive bargaining representative as part of a sequence of honorable dismissal list, notwithstanding any laws prohibiting disclosure of such information. A performance evaluation rating may be used to determine the sequence of dismissal, notwithstanding the pendency of any grievance resolution or arbitration procedures relating to the performance evaluation. If a teacher has received at least one performance evaluation rating conducted by the school district or joint agreement determining the sequence of dismissal and a subsequent performance evaluation is not conducted in any school year in which such evaluation is required to be conducted under Section 24A-5 of this Code, the teacher's performance evaluation rating for that school year for purposes of determining the sequence of dismissal is deemed Proficient, except that, during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, this default to Proficient does not apply to any teacher who has entered into contractual continued service and who was deemed Excellent on his or her most recent evaluation. During any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and unless the school board and

any exclusive bargaining representative have completed the performance rating for teachers or have mutually agreed to an alternate performance rating, any teacher who has entered into contractual continued service, whose most recent evaluation was deemed Excellent, and whose performance evaluation is not conducted when the evaluation is required to be conducted shall receive a teacher's performance rating deemed Excellent. A school board and any exclusive bargaining representative may mutually agree to an alternate performance rating for teachers not in contractual continued service during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, as long as the agreement is in writing. If a performance evaluation rating is nullified as the result of an arbitration, administrative agency, or court determination, then the school district or joint agreement is deemed to have conducted a performance evaluation for that school year, but the performance evaluation rating may not be used in determining the sequence of dismissal.

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

Any provisions regarding the sequence of honorable dismissals and recall of honorably dismissed teachers in a collective bargaining agreement entered into on or before January 1, 2011 and in effect on June 13, 2011 (the effective date of Public Act 97-8) that may conflict with Public Act 97-8 shall remain in effect through the expiration of such agreement or June 30, 2013, whichever is earlier.

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

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

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

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

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

(5) Upon request by a joint committee member submitted to the employing board by no later than 10 days after the distribution of the sequence of honorable dismissal list, a representative of the employing board shall, within 5 days after the request, provide to members of the joint committee a list showing the most recent and prior performance evaluation ratings of each teacher identified only by length of continuing service in the district or joint agreement and not by name. If, after review of this list, a member of the joint committee has a good faith belief that a disproportionate number of teachers with greater length of continuing service with the district or joint agreement have received a recent performance evaluation rating lower than the prior rating, the member may request that the joint committee review the list to assess whether such a trend may exist. Following the joint committee's review, but by no later than the end of the applicable school term, the joint committee or any member or members of the joint committee may submit a report of the review to the employing board and exclusive bargaining representative, if any. Nothing in this paragraph (5) shall impact the order of honorable dismissal or a school district's or joint agreement's authority to carry out a dismissal in accordance with subsection (b) of this Section.

Agreement by the joint committee as to a matter requires the majority vote of all committee members, and if the joint committee does not reach agreement on a matter, then the otherwise applicable requirements of subsection (b) of this Section shall apply. Except as explicitly set forth in this subsection (c), a joint

committee has no authority to agree to any further modifications to the requirements for honorable dismissals set forth in subsection (b) of this Section. The joint committee must be established, and the first meeting of the joint committee each school year must occur on or before December 1.

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

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

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

(1) If a dismissal of a teacher in contractual continued service is sought for any reason or cause other than an honorable dismissal under subsections (a) or (b) of this Section or a dismissal sought under Section 24-16.5 of this Code, including those under Section 10-22.4, the board must first approve a motion containing specific charges by a majority vote of all its members. Written notice of such charges, including a bill of particulars and the teacher's right to request a hearing, must be mailed to the teacher and also given to the teacher either by electronic mail, certified mail, return receipt requested, or personal delivery with receipt within 5 days of the adoption of the motion. Any written notice sent on or after July 1, 2012 shall inform the teacher of the right to request a hearing before a mutually selected hearing officer, with the cost of the hearing officer split equally between the teacher and the board, or a hearing before a board-selected hearing officer, with the cost of the hearing officer paid by the board.

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

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

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

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

If notice to the teacher was sent before July 1, 2012 or, if the notice was sent on or after July 1, 2012, the teacher has requested a hearing before a mutually selected hearing officer, the board and the teacher or their legal representatives within 3 business days shall alternately strike one name from the list provided by the State Board of Education until only one name remains. Unless waived by the teacher, the teacher shall have the right to proceed first with the striking. Within 3 business days of receipt of the list provided by the State Board of Education, the board and the teacher or their legal representatives shall each have the right to reject all prospective hearing officers named on the list and notify the State Board of Education of such rejection. Within 3 business days after receiving this notification, the State Board of Education shall appoint a qualified person from the master list who did

not appear on the list sent to the parties to serve as the hearing officer, unless the parties notify it that they have chosen to alternatively select a hearing officer under paragraph (4) of this subsection (d).

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

A hearing officer mutually selected by the parties, selected by the board, or selected through an alternative selection process under paragraph (4) of this subsection (d) (A) must not be a resident of the school district, (B) must be available to commence the hearing within 75 days and conclude the hearing within 120 days after being selected as the hearing officer, and (C) must issue a decision as to whether the teacher must be dismissed and give a copy of that decision to both the teacher and the board within 30 days from the conclusion of the hearing or closure of the record, whichever is later.

Any hearing convened during a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act may be convened remotely. Any hearing officer for a hearing convened during a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act may voluntarily withdraw from the hearing and another hearing officer shall be selected or appointed pursuant to this Section.

In this paragraph, "pre-hearing procedures" refers to the pre-hearing procedures under Section 51.55 of Title 23 of the Illinois Administrative Code and "hearing" refers to the hearing under Section 51.60 of Title 23 of the Illinois Administrative Code. Any teacher who has been charged with engaging in acts of corporal punishment, physical abuse, grooming, or sexual misconduct and who previously paused pre-hearing procedures or a hearing pursuant to Public Act 101-643 must proceed with selection of a hearing officer or hearing date, or both, within the timeframes established by this paragraph (3) and paragraphs (4) through (6) of this subsection (d), unless the timeframes are mutually waived in writing by both parties, and all timelines set forth in this Section in cases concerning corporal punishment, physical abuse, grooming, or sexual misconduct shall be reset to begin the day after the effective date of this amendatory Act of the 102nd General Assembly. Any teacher charged with engaging in acts of corporal punishment, physical abuse, grooming, or sexual misconduct on or after the effective date of this amendatory Act of the 102nd General Assembly may not pause pre-hearing procedures or a hearing.

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

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

(6) The teacher is required to answer the bill of particulars and aver affirmative matters in his or her defense, and the time for initially doing so and the time for updating such answer and defenses after pre-hearing discovery must be set by the hearing officer. The State Board of Education shall promulgate rules so that each party has a fair opportunity to present its case and to ensure that the dismissal process proceeds in a fair and expeditious manner. These rules shall address, without limitation, discovery and hearing scheduling conferences; the teacher's initial answer and affirmative defenses to the bill of particulars and the updating of that information after pre-hearing discovery; provision for written interrogatories and requests for production of documents; the requirement that each party initially disclose to the other party and then update the disclosure no later than 10 calendar days prior to the commencement of the hearing, the names and addresses of persons who may be called as witnesses at the hearing, a summary of the facts or opinions each witness will testify to, and all other documents and materials, including information maintained electronically, relevant to its own as well as the other party's case (the hearing officer may exclude witnesses and exhibits not identified and shared, except those offered in rebuttal for which the party could not reasonably have anticipated prior to the hearing); pre-hearing discovery and preparation, including provision for written interrogatories and requests for production of documents, provided that discovery depositions are prohibited; the conduct of the hearing; the right of each party to be represented by counsel, the offer of evidence and witnesses and the cross-examination of witnesses; the authority of the hearing officer to issue subpoenas and subpoenas duces tecum, provided that the hearing officer may limit the number of witnesses to be subpoenaed on behalf of each party to no more than 7; the length of post-hearing briefs; and the form, length, and content of hearing officers' decisions. The hearing officer shall hold a hearing and render a final decision for dismissal pursuant to Article 24A of this Code or shall report to the school board findings of fact and a recommendation as to whether or not the teacher must be dismissed for conduct. The hearing officer shall commence the hearing within 75 days and conclude the hearing within 120 days after being selected as the hearing officer, provided that the hearing officer may modify these timelines upon the showing of good cause or mutual agreement of the parties. Good cause for the purpose of this subsection (d) shall mean the illness or otherwise unavoidable emergency of the teacher, district representative, their legal representatives, the hearing officer, or an essential witness as indicated in each party's pre-hearing submission. In a dismissal hearing pursuant to Article 24A of this Code in which a witness is a student or is under the age of 18, the hearing officer must make accommodations for the witness, as provided under paragraph (6.5) of this subsection. The hearing officer shall consider and give weight to all of the teacher's evaluations written pursuant to Article 24A that are relevant to the issues in the hearing.

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

(6.5) In the case of charges involving sexual abuse or severe physical abuse of a student or a person under the age of 18, the hearing officer shall make alternative hearing procedures to protect a witness who is a student or who is under the age of 18 from being intimidated or traumatized. Alternative hearing procedures may include, but are not limited to: (i) testimony made via a telecommunication device in a location other than the hearing room and outside the physical presence of the teacher and other hearing participants, (ii) testimony outside the physical presence of the teacher, or (iii) non-public testimony. During a testimony described under this subsection, each party must be permitted to ask a witness who is a student or who is under 18 years of age all relevant questions and follow-up questions. All questions must exclude evidence of the witness' sexual behavior or predisposition, unless the evidence is offered to prove that someone other than the teacher subject to the dismissal hearing engaged in the charge at issue.

(7) The hearing officer shall, within 30 days from the conclusion of the hearing or closure of the record, whichever is later, make a decision as to whether or not the teacher shall be dismissed pursuant to Article 24A of this Code or report to the school board findings of fact and a recommendation as to whether or not the teacher shall be dismissed for cause and shall give a copy of the decision or findings of fact and recommendation to both the teacher and the school board. If a hearing officer fails without good cause, specifically provided in writing to both parties and the State Board of Education, to render a decision or findings of fact and recommendation within 30 days after the hearing is concluded or the record is closed, whichever is later, the parties may mutually agree to select a hearing officer pursuant to the alternative procedure, as provided in this Section, to rehear the charges heard by the hearing officer who failed to render a decision or findings of fact and recommendation or to review the record and render a decision. If any hearing officer fails without good cause, specifically provided in writing to both parties and the State Board of Education, to render a decision or findings of fact and recommendation within 30 days after the hearing is concluded or the record is closed, whichever is later, the hearing officer shall be removed from the master list of hearing officers maintained by the State Board of Education for not more than 24 months. The parties and the State Board of Education may also take such other actions as it deems appropriate, including recovering, reducing, or withholding any fees paid or to be paid to the hearing officer. If any hearing officer repeats such failure, he or she must be permanently removed from the master list maintained by the State Board of Education and may not be selected by parties through the alternative selection process under this paragraph (7) or paragraph (4) of this subsection (d). The board shall not lose jurisdiction to discharge a teacher if the hearing officer fails to render a decision or findings of fact and recommendation within the time specified in this Section. If the decision of the hearing officer for dismissal pursuant to Article 24A of this Code or of the school board for dismissal for cause is in favor of the teacher, then the hearing officer or school board shall order reinstatement to the same or substantially equivalent position and shall determine the amount for which the school board is liable, including, but not limited to, loss of income and benefits.

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

If the school board dismisses the teacher notwithstanding the hearing officer's findings of fact and recommendation, the school board shall make a conclusion in its written order, giving its reasons therefor, and such conclusion and reasons must be included in its written order. The failure of the school board to strictly adhere to the timelines contained in this Section shall not render it without jurisdiction to dismiss the teacher. The school board shall not lose jurisdiction to discharge the teacher for cause if the hearing officer fails to render a recommendation within the time specified in this Section. The decision of the school board is final, unless reviewed as provided in paragraph (9) of this subsection (d).

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

(9) The decision of the hearing officer pursuant to Article 24A of this Code or of the school board's decision to dismiss for cause is final unless reviewed as provided in Section 24-16 of this Code. If the school board's decision to dismiss for cause is contrary to the hearing officer's recommendation, the court on review shall give consideration to the school board's decision and its supplemental findings of fact, if applicable, and the hearing officer's findings of fact and recommendation in making its decision. In the event such review is instituted, the school board shall

be responsible for preparing and filing the record of proceedings, and such costs associated therewith must be divided equally between the parties.

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

Any teacher who is reinstated by any hearing or adjudication brought under this Section shall be assigned by the board to a position substantially similar to the one which that teacher held prior to that teacher's suspension or dismissal.

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

(e) Nothing contained in Public Act 98-648 repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on July 1, 2014 (the effective date of Public Act 98-648) in Illinois courts involving the interpretation of Public Act 97-8.

(Source: P.A. 101-81, eff. 7-12-19; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20; 102-708, eff. 4-22-22.)

(105 ILCS 5/34-84) (from Ch. 122, par. 34-84)

Sec. 34-84. Appointments and promotions of teachers. Appointments and promotions of teachers shall be made for merit only, and after satisfactory service for a probationary period of 3 years with respect to probationary employees employed as full-time teachers in the public school system of the district before January 1, 1998 or on or after January 1, 2024 and 4 years with respect to probationary employees who are first employed as full-time teachers in the public school system of the district on or after January 1, 1998 but before January 1, 2024, during which period the board may dismiss or discharge any such probationary employee upon the recommendation, accompanied by the written reasons therefor, of the general superintendent of schools and after which period appointments of teachers shall become permanent, subject to removal for cause in the manner provided by Section 34-85.

For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who receives ratings of "excellent" during his or her first 3 school terms of full-time service, the probationary period shall be 3 school terms of full-time service. For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who had previously entered into contractual continued service in another school district in this State or a program of a special education joint agreement in this State, as defined in Section 24-11 of this Code, the probationary period shall be 2 school terms of full-time service, provided that (i) the teacher voluntarily resigned or was honorably dismissed from the prior district or program within the 3-month period preceding his or her appointment date, (ii) the teacher's last 2 ratings in the prior district or program were at least "proficient" and were issued after the prior district's or program's PERA implementation date, as defined in Section 24-11 of this Code, and (iii) the teacher receives ratings of "excellent" during his or her first 2 school terms of full-time service.

For a probationary-appointed teacher in full-time service ~~who is appointed on or after July 1, 2013~~ and who has not entered into contractual continued service after 2 or 3 school terms of full-time service as provided in this Section, the probationary period shall be ~~3~~ 4 school terms of full-time service, provided that the teacher holds a Professional Educator License and receives a rating of at least "proficient" in the last school term and a rating of at least "proficient" in either the second or third school term.

As used in this Section, "school term" means the school term established by the board pursuant to Section 10-19 of this Code, and "full-time service" means the teacher has actually worked at least 150 days during the school term. As used in this Article, "teachers" means and includes all members of the teaching force excluding the general superintendent and principals.

There shall be no reduction in teachers because of a decrease in student membership or a change in subject requirements within the attendance center organization after the 20th day following the first day of the school year, except that: (1) this provision shall not apply to desegregation positions, special education positions, or any other positions funded by State or federal categorical funds, and (2) at attendance centers maintaining any of grades 9 through 12, there may be a second reduction in teachers on the first day of the

second semester of the regular school term because of a decrease in student membership or a change in subject requirements within the attendance center organization.

The school principal shall make the decision in selecting teachers to fill new and vacant positions consistent with Section 34-8.1.

(Source: P.A. 97-8, eff. 6-13-11.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1872

AMENDMENT NO. 2. Amend Senate Bill 1872, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 24-11, 24-12, and 34-84 as follows:
(105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

Sec. 24-11. Boards of Education - Boards of School Inspectors - Contractual continued service.

(a) As used in this and the succeeding Sections of this Article:

"Teacher" means any or all school district employees regularly required to be licensed under laws relating to the licensure of teachers.

"Board" means board of directors, board of education, or board of school inspectors, as the case may be.

"School term" means that portion of the school year, July 1 to the following June 30, when school is in actual session.

"Program" means a program of a special education joint agreement.

"Program of a special education joint agreement" means instructional, consultative, supervisory, administrative, diagnostic, and related services that are managed by a special educational joint agreement designed to service 2 or more school districts that are members of the joint agreement.

"PERA implementation date" means the implementation date of an evaluation system for teachers as specified by Section 24A-2.5 of this Code for all schools within a school district or all programs of a special education joint agreement.

(b) This Section and Sections 24-12 through 24-16 of this Article apply only to school districts having less than 500,000 inhabitants.

(c) Any teacher who is first employed as a full-time teacher in a school district or program prior to the PERA implementation date and who is employed in that district or program for a probationary period of 4 consecutive school terms shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal by certified mail, return receipt requested, by the employing board at least 45 days before the end of any school term within such period.

(d) For any teacher who is first employed as a full-time teacher in a school district or program on or after the PERA implementation date but before July 1, 2023, the probationary period shall be one of the following periods, based upon the teacher's school terms of service and performance, before the teacher shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal by certified mail, return receipt requested, by the employing board on or before April 15 ~~at least 45 days before the end of any school term within such period:~~

(1) 4 consecutive school terms of service in which the teacher holds a Professional Educator License and receives overall annual evaluation ratings of at least "Proficient" in the last school term and at least "Proficient" in either the second or third school ~~terms term;~~

(2) 3 consecutive school terms of service in which the teacher holds a Professional Educator License and receives 2 ~~3~~ overall annual evaluations of "Excellent"; or

(3) 2 consecutive school terms of service in which the teacher holds a Professional Educator License and receives 2 overall annual evaluations of "Excellent" service, but only if the teacher (i) previously attained contractual continued service in a different school district or program in this State,

[April 27, 2023]

(ii) voluntarily departed or was honorably dismissed from that school district or program in the school term immediately prior to the teacher's first school term of service applicable to the attainment of contractual continued service under this subdivision (3), and (iii) received, in his or her 2 most recent overall annual or biennial evaluations from the prior school district or program, ratings of at least "Proficient", with both such ratings occurring after the school district's or program's PERA implementation date. For a teacher to attain contractual continued service under this subdivision (3), the teacher shall provide official copies of his or her 2 most recent overall annual or biennial evaluations from the prior school district or program to the new school district or program within 60 days from the teacher's first day of service with the new school district or program. The prior school district or program must provide the teacher with official copies of his or her 2 most recent overall annual or biennial evaluations within 14 days after the teacher's request. If a teacher has requested such official copies prior to 45 days after the teacher's first day of service with the new school district or program and the teacher's prior school district or program fails to provide the teacher with the official copies required under this subdivision (3), then the time period for the teacher to submit the official copies to his or her new school district or program must be extended until 14 days after receipt of such copies from the prior school district or program. If the prior school district or program fails to provide the teacher with the official copies required under this subdivision (3) within 90 days from the teacher's first day of service with the new school district or program, then the new school district or program shall rely upon the teacher's own copies of his or her evaluations for purposes of this subdivision (3).

If the teacher does not receive overall annual evaluations of "Excellent" in the school terms necessary for eligibility to achieve accelerated contractual continued service in subdivisions (2) and (3) of this subsection (d), the teacher shall be eligible for contractual continued service pursuant to subdivision (1) of this subsection (d). If, at the conclusion of 4 consecutive school terms of service that count toward attainment of contractual continued service, the teacher's performance does not qualify the teacher for contractual continued service under subdivision (1) of this subsection (d), then the teacher shall not enter upon contractual continued service and shall be dismissed. If a performance evaluation is not conducted for any school term when such evaluation is required to be conducted under Section 24A-5 of this Code, then the teacher's performance evaluation rating for such school term for purposes of determining the attainment of contractual continued service shall be deemed "Proficient", except that, during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, this default to "Proficient" does not apply to any teacher who has entered into contractual continued service and who was deemed "Excellent" on his or her most recent evaluation. During any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and unless the school board and any exclusive bargaining representative have completed the performance rating for teachers or mutually agreed to an alternate performance rating, any teacher who has entered into contractual continued service, whose most recent evaluation was deemed "Excellent", and whose performance evaluation is not conducted when the evaluation is required to be conducted shall receive a teacher's performance rating deemed "Excellent". A school board and any exclusive bargaining representative may mutually agree to an alternate performance rating for teachers not in contractual continued service during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, as long as the agreement is in writing.

(d-5) For any teacher who is first employed as a full-time teacher in a school district or program on or after July 1, 2023, the probationary period shall be one of the following periods, based upon the teacher's school terms of service and performance, before the teacher shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal by certified mail, return receipt requested, by the employing board on or before April 15:

(1) 3 consecutive school terms of service in which the teacher holds a Professional Educator License and receives overall annual evaluation ratings of at least "Proficient" in the second and third school terms;

(2) 2 consecutive school terms of service in which the teacher holds a Professional Educator License and receives 2 overall annual evaluations of "Excellent"; or

(3) 2 consecutive school terms of service in which the teacher holds a Professional Educator License and receives 2 overall annual evaluations of "Excellent" service, but only if the teacher (i)

previously attained contractual continued service in a different school district or program in this State, (ii) voluntarily departed or was honorably dismissed from that school district or program in the school term immediately prior to the teacher's first school term of service applicable to the attainment of contractual continued service under this subdivision (3), and (iii) received, in his or her 2 most recent overall annual or biennial evaluations from the prior school district or program, ratings of at least "Proficient", with both such ratings occurring after the school district's or program's PERA implementation date. For a teacher to attain contractual continued service under this subdivision (3), the teacher shall provide official copies of his or her 2 most recent overall annual or biennial evaluations from the prior school district or program to the new school district or program within 60 days from the teacher's first day of service with the new school district or program. The prior school district or program must provide the teacher with official copies of his or her 2 most recent overall annual or biennial evaluations within 14 days after the teacher's request. If a teacher has requested such official copies prior to 45 days after the teacher's first day of service with the new school district or program and the teacher's prior school district or program fails to provide the teacher with the official copies required under this subdivision (3), then the time period for the teacher to submit the official copies to his or her new school district or program must be extended until 14 days after receipt of such copies from the prior school district or program. If the prior school district or program fails to provide the teacher with the official copies required under this subdivision (3) within 90 days from the teacher's first day of service with the new school district or program, then the new school district or program shall rely upon the teacher's own copies of his or her evaluations for purposes of this subdivision (3).

If the teacher does not receive overall annual evaluations of "Excellent" in the school terms necessary for eligibility to achieve accelerated contractual continued service in subdivisions (2) and (3) of this subsection (d), the teacher shall be eligible for contractual continued service pursuant to subdivision (1) of this subsection (d). If, at the conclusion of 3 consecutive school terms of service that count toward attainment of contractual continued service, the teacher's performance does not qualify the teacher for contractual continued service under subdivision (1) of this subsection (d), then the teacher shall not enter upon contractual continued service and shall be dismissed. If a performance evaluation is not conducted for any school term when such evaluation is required to be conducted under Section 24A-5 of this Code, then the teacher's performance evaluation rating for such school term for purposes of determining the attainment of contractual continued service shall be deemed "Proficient", except that, during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, this default to "Proficient" does not apply to any teacher who has entered into contractual continued service and who was deemed "Excellent" on his or her most recent evaluation. During any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and unless the school board and any exclusive bargaining representative have completed the performance rating for teachers or mutually agreed to an alternate performance rating, any teacher who has entered into contractual continued service, whose most recent evaluation was deemed "Excellent", and whose performance evaluation is not conducted when the evaluation is required to be conducted shall receive a teacher's performance rating deemed "Excellent". A school board and any exclusive bargaining representative may mutually agree to an alternate performance rating for teachers not in contractual continued service during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, as long as the agreement is in writing.

(e) For the purposes of determining contractual continued service, a school term shall be counted only toward attainment of contractual continued service if the teacher actually teaches or is otherwise present and participating in the district's or program's educational program for 120 days or more, provided that the days of leave under the federal Family Medical Leave Act that the teacher is required to take until the end of the school term shall be considered days of teaching or participation in the district's or program's educational program. A school term that is not counted toward attainment of contractual continued service shall not be considered a break in service for purposes of determining whether a teacher has been employed for 4 consecutive school terms, provided that the teacher actually teaches or is otherwise present and participating in the district's or program's educational program in the following school term.

(f) If the employing board determines to dismiss the teacher in the last year of the probationary period as provided in subsection (c) of this Section or subdivision (1) or (2) of subsection (d) of this Section or subdivision (1) or (2) of subsection (d-5) of this Section, but not subdivision (3) of subsection (d) of this

Section or subdivision (3) of subsection (d-5) of this Section, the written notice of dismissal provided by the employing board must contain specific reasons for dismissal. Any full-time teacher who does not receive written notice from the employing board at least 45 days before the end of any school term as provided in this Section and whose performance does not require dismissal after the fourth probationary year pursuant to subsection (d) of this Section or the third probationary year pursuant to subsection (d-5) of this Section shall be re-employed for the following school term.

(g) Contractual continued service shall continue in effect the terms and provisions of the contract with the teacher during the last school term of the probationary period, subject to this Act and the lawful regulations of the employing board. This Section and succeeding Sections do not modify any existing power of the board except with respect to the procedure of the discharge of a teacher and reductions in salary as hereinafter provided. Contractual continued service status shall not restrict the power of the board to transfer a teacher to a position which the teacher is qualified to fill or to make such salary adjustments as it deems desirable, but unless reductions in salary are uniform or based upon some reasonable classification, any teacher whose salary is reduced shall be entitled to a notice and a hearing as hereinafter provided in the case of certain dismissals or removals.

(h) If, by reason of any change in the boundaries of school districts, by reason of a special education cooperative reorganization or dissolution in accordance with Section 10-22.31 of this Code, or by reason of the creation of a new school district, the position held by any teacher having a contractual continued service status is transferred from one board to the control of a new or different board, then the contractual continued service status of the teacher is not thereby lost, and such new or different board is subject to this Code with respect to the teacher in the same manner as if the teacher were its employee and had been its employee during the time the teacher was actually employed by the board from whose control the position was transferred.

(i) The employment of any teacher in a program of a special education joint agreement established under Section 3-15.14, 10-22.31 or 10-22.31a shall be governed by this and succeeding Sections of this Article. For purposes of attaining and maintaining contractual continued service and computing length of continuing service as referred to in this Section and Section 24-12, employment in a special educational joint program shall be deemed a continuation of all previous licensed employment of such teacher for such joint agreement whether the employer of the teacher was the joint agreement, the regional superintendent, or one of the participating districts in the joint agreement.

(j) For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of a reduction in the number of programs or positions in the joint agreement in which the notice of dismissal is provided on or before the end of the 2010-2011 school term, the teacher in contractual continued service is eligible for employment in the joint agreement programs for which the teacher is legally qualified in order of greater length of continuing service in the joint agreement, unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement. For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of a reduction in the number of programs or positions in the joint agreement in which the notice of dismissal is provided during the 2011-2012 school term or a subsequent school term, the teacher shall be included on the honorable dismissal lists of all joint agreement programs for positions for which the teacher is qualified and is eligible for employment in such programs in accordance with subsections (b) and (c) of Section 24-12 of this Code and the applicable honorable dismissal policies of the joint agreement.

(k) For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of the dissolution of a joint agreement, in which the notice to teachers of the dissolution is provided during the 2010-2011 school term, the teacher in contractual continued service who is legally qualified shall be assigned to any comparable position in a member district currently held by a teacher who has not entered upon contractual continued service or held by a teacher who has entered upon contractual continued service with a shorter length of contractual continued service. Any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of the dissolution of a joint agreement in which the notice to teachers of the dissolution is provided during the 2011-2012 school term or a subsequent school term, the teacher who is

qualified shall be included on the order of honorable dismissal lists of each member district and shall be assigned to any comparable position in any such district in accordance with subsections (b) and (c) of Section 24-12 of this Code and the applicable honorable dismissal policies of each member district.

(l) The governing board of the joint agreement, or the administrative district, if so authorized by the articles of agreement of the joint agreement, rather than the board of education of a school district, may carry out employment and termination actions including dismissals under this Section and Section 24-12.

(m) The employment of any teacher in a special education program authorized by Section 14-1.01 through 14-14.01, or a joint educational program established under Section 10-22.31a, shall be under this and the succeeding Sections of this Article, and such employment shall be deemed a continuation of the previous employment of such teacher in any of the participating districts, regardless of the participation of other districts in the program.

(n) Any teacher employed as a full-time teacher in a special education program prior to September 23, 1987 in which 2 or more school districts participate for a probationary period of 2 consecutive years shall enter upon contractual continued service in each of the participating districts, subject to this and the succeeding Sections of this Article, and, notwithstanding Section 24-1.5 of this Code, in the event of the termination of the program shall be eligible for any vacant position in any of such districts for which such teacher is qualified.

(Source: P.A. 101-643, eff. 6-18-20; 102-552, eff. 1-1-22; 102-854, eff. 5-13-22.)

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

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

(a) This subsection (a) applies only to honorable dismissals and recalls in which the notice of dismissal is provided on or before the end of the 2010-2011 school term. If a teacher in contractual continued service is removed or dismissed as a result of a decision of the board to decrease the number of teachers employed by the board or to discontinue some particular type of teaching service, written notice shall be mailed to the teacher and also given the teacher either by certified mail, return receipt requested or personal delivery with receipt at least 60 days before the end of the school term, together with a statement of honorable dismissal and the reason therefor, and in all such cases the board shall first remove or dismiss all teachers who have not entered upon contractual continued service before removing or dismissing any teacher who has entered upon contractual continued service and who is legally qualified to hold a position currently held by a teacher who has not entered upon contractual continued service.

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

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

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

Each teacher must be categorized into one or more positions for which the teacher is qualified to hold, based upon legal qualifications and any other qualifications established in a district or joint agreement job description, on or before the May 10 prior to the school year during which the sequence of dismissal is determined. Within each position and subject to agreements made by the joint committee on honorable dismissals that are authorized by subsection (c) of this Section, the school district or joint agreement must establish 4 groupings of teachers qualified to hold the position as follows:

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

(2) Grouping 2 shall consist of each teacher with a Needs Improvement or Unsatisfactory performance evaluation rating on either of the teacher's last 2 performance evaluation ratings.

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

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

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

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

Each board, including the governing board of a joint agreement, shall, in consultation with any exclusive employee representatives, each year establish a sequence of honorable dismissal list categorized by positions and the groupings defined in this subsection (b). Copies of the list showing each teacher by name and categorized by positions and the groupings defined in this subsection (b) must be distributed to the

exclusive bargaining representative at least 75 days before the end of the school term, provided that the school district or joint agreement may, with notice to any exclusive employee representatives, move teachers from grouping one into another grouping during the period of time from 75 days until April 15 ~~45 days before the end of the school term~~. Each year, each board shall also establish, in consultation with any exclusive employee representatives, a list showing the length of continuing service of each teacher who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established as provided for in this Section, in which case a list must be made in accordance with the alternative method. Copies of the list must be distributed to the exclusive employee representative at least 75 days before the end of the school term.

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

If the board or joint agreement has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available must be tendered to the teachers so removed or dismissed who were in grouping 3 or 4 of the sequence of dismissal and are qualified to hold the positions, based upon legal qualifications and any other qualifications established in a district or joint agreement job description, on or before the May 10 prior to the date of the positions becoming available, provided that if the number of honorable dismissal notices based on economic necessity exceeds 15% of the number of full-time equivalent positions filled by certified employees (excluding principals and administrative personnel) during the preceding school year, then the recall period is for the following school term or within 2 calendar years from the beginning of the following school term. If the board or joint agreement has any vacancies within the period from the beginning of the following school term through February 1 of the following school term (unless a date later than February 1, but no later than 6 months from the beginning of the following school term, is established in a collective bargaining agreement), the positions thereby becoming available must be tendered to the teachers so removed or dismissed who were in grouping 2 of the sequence of dismissal due to one "needs improvement" rating on either of the teacher's last 2 performance evaluation ratings, provided that, if 2 ratings are available, the other performance evaluation rating used for grouping purposes is "satisfactory", "proficient", or "excellent", and are qualified to hold the positions, based upon legal qualifications and any other qualifications established in a district or joint agreement job description, on or before the May 10 prior to the date of the positions becoming available. On and after July 1, 2014 (the effective date of Public Act 98-648), the preceding sentence shall apply to teachers removed or dismissed by honorable dismissal, even if notice of honorable dismissal occurred during the 2013-2014 school year. Among teachers eligible for recall pursuant to the preceding sentence, the order of recall must be in inverse order of dismissal, unless an alternative order of recall is established in a collective bargaining agreement or contract between the board and a professional faculty members' organization. Whenever the number of honorable dismissal notices based upon economic necessity exceeds 5 notices or 150% of the average number of teachers honorably dismissed in the preceding 3 years, whichever is more, then the school board or governing board of a joint agreement, as applicable, shall also hold a public hearing on the question of the dismissals. Following the hearing and board review, the action to approve any such reduction shall require a majority vote of the board members.

For purposes of this subsection (b), subject to agreement on an alternative definition reached by the joint committee described in subsection (c) of this Section, a teacher's performance evaluation rating means the overall performance evaluation rating resulting from an annual or biennial performance evaluation conducted pursuant to Article 24A of this Code by the school district or joint agreement determining the sequence of dismissal, not including any performance evaluation conducted during or at the end of a remediation period. No more than one evaluation rating each school term shall be one of the evaluation ratings used for the purpose of determining the sequence of dismissal. Except as otherwise provided in this subsection for any performance evaluations conducted during or at the end of a remediation period, if multiple performance evaluations are conducted in a school term, only the rating from the last evaluation conducted prior to establishing the sequence of honorable dismissal list in such school term shall be the one evaluation rating from that school term used for the purpose of determining the sequence of dismissal. Averaging ratings from multiple evaluations is not permitted unless otherwise agreed to in a collective bargaining agreement or contract between the board and a professional faculty members' organization. The preceding 3 sentences are not a legislative declaration that existing law does or does not already require that only one performance evaluation each school term shall be used for the purpose of determining the sequence

of dismissal. For performance evaluation ratings determined prior to September 1, 2012, any school district or joint agreement with a performance evaluation rating system that does not use either of the rating category systems specified in subsection (d) of Section 24A-5 of this Code for all teachers must establish a basis for assigning each teacher a rating that complies with subsection (d) of Section 24A-5 of this Code for all of the performance evaluation ratings that are to be used to determine the sequence of dismissal. A teacher's grouping and ranking on a sequence of honorable dismissal shall be deemed a part of the teacher's performance evaluation, and that information shall be disclosed to the exclusive bargaining representative as part of a sequence of honorable dismissal list, notwithstanding any laws prohibiting disclosure of such information. A performance evaluation rating may be used to determine the sequence of dismissal, notwithstanding the pendency of any grievance resolution or arbitration procedures relating to the performance evaluation. If a teacher has received at least one performance evaluation rating conducted by the school district or joint agreement determining the sequence of dismissal and a subsequent performance evaluation is not conducted in any school year in which such evaluation is required to be conducted under Section 24A-5 of this Code, the teacher's performance evaluation rating for that school year for purposes of determining the sequence of dismissal is deemed Proficient, except that, during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, this default to Proficient does not apply to any teacher who has entered into contractual continued service and who was deemed Excellent on his or her most recent evaluation. During any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and unless the school board and any exclusive bargaining representative have completed the performance rating for teachers or have mutually agreed to an alternate performance rating, any teacher who has entered into contractual continued service, whose most recent evaluation was deemed Excellent, and whose performance evaluation is not conducted when the evaluation is required to be conducted shall receive a teacher's performance rating deemed Excellent. A school board and any exclusive bargaining representative may mutually agree to an alternate performance rating for teachers not in contractual continued service during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, as long as the agreement is in writing. If a performance evaluation rating is nullified as the result of an arbitration, administrative agency, or court determination, then the school district or joint agreement is deemed to have conducted a performance evaluation for that school year, but the performance evaluation rating may not be used in determining the sequence of dismissal.

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

Any provisions regarding the sequence of honorable dismissals and recall of honorably dismissed teachers in a collective bargaining agreement entered into on or before January 1, 2011 and in effect on June 13, 2011 (the effective date of Public Act 97-8) that may conflict with Public Act 97-8 shall remain in effect through the expiration of such agreement or June 30, 2013, whichever is earlier.

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

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

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

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

(4) For each school district or joint agreement that administers performance evaluation ratings that are inconsistent with either of the rating category systems specified in subsection (d) of Section

24A-5 of this Code, the school district or joint agreement must consult with the joint committee on the basis for assigning a rating that complies with subsection (d) of Section 24A-5 of this Code to each performance evaluation rating that will be used in a sequence of dismissal.

(5) Upon request by a joint committee member submitted to the employing board by no later than 10 days after the distribution of the sequence of honorable dismissal list, a representative of the employing board shall, within 5 days after the request, provide to members of the joint committee a list showing the most recent and prior performance evaluation ratings of each teacher identified only by length of continuing service in the district or joint agreement and not by name. If, after review of this list, a member of the joint committee has a good faith belief that a disproportionate number of teachers with greater length of continuing service with the district or joint agreement have received a recent performance evaluation rating lower than the prior rating, the member may request that the joint committee review the list to assess whether such a trend may exist. Following the joint committee's review, but by no later than the end of the applicable school term, the joint committee or any member or members of the joint committee may submit a report of the review to the employing board and exclusive bargaining representative, if any. Nothing in this paragraph (5) shall impact the order of honorable dismissal or a school district's or joint agreement's authority to carry out a dismissal in accordance with subsection (b) of this Section.

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

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

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

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

(1) If a dismissal of a teacher in contractual continued service is sought for any reason or cause other than an honorable dismissal under subsections (a) or (b) of this Section or a dismissal sought under Section 24-16.5 of this Code, including those under Section 10-22.4, the board must first approve a motion containing specific charges by a majority vote of all its members. Written notice of such charges, including a bill of particulars and the teacher's right to request a hearing, must be mailed to the teacher and also given to the teacher either by electronic mail, certified mail, return receipt requested, or personal delivery with receipt within 5 days of the adoption of the motion. Any written notice sent on or after July 1, 2012 shall inform the teacher of the right to request a hearing before a mutually selected hearing officer, with the cost of the hearing officer split equally between the teacher and the board, or a hearing before a board-selected hearing officer, with the cost of the hearing officer paid by the board.

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

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

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

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

If notice to the teacher was sent before July 1, 2012 or, if the notice was sent on or after July 1, 2012, the teacher has requested a hearing before a mutually selected hearing officer, the board and the teacher or their legal representatives within 3 business days shall alternately strike one name from the list provided by the State Board of Education until only one name remains. Unless waived by the teacher, the teacher shall have the right to proceed first with the striking. Within 3 business days of receipt of the list provided by the State Board of Education, the board and the teacher or their legal representatives shall each have the right to reject all prospective hearing officers named on the list and notify the State Board of Education of such rejection. Within 3 business days after receiving this notification, the State Board of Education shall appoint a qualified person from the master list who did not appear on the list sent to the parties to serve as the hearing officer, unless the parties notify it that they have chosen to alternatively select a hearing officer under paragraph (4) of this subsection (d).

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

A hearing officer mutually selected by the parties, selected by the board, or selected through an alternative selection process under paragraph (4) of this subsection (d) (A) must not be a resident of the school district, (B) must be available to commence the hearing within 75 days and conclude the hearing within 120 days after being selected as the hearing officer, and (C) must issue a decision as to whether the teacher must be dismissed and give a copy of that decision to both the teacher and the board within 30 days from the conclusion of the hearing or closure of the record, whichever is later.

Any hearing convened during a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act may be convened remotely. Any hearing officer for a hearing convened during a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act may voluntarily withdraw from the hearing and another hearing officer shall be selected or appointed pursuant to this Section.

In this paragraph, "pre-hearing procedures" refers to the pre-hearing procedures under Section 51.55 of Title 23 of the Illinois Administrative Code and "hearing" refers to the hearing under Section 51.60 of Title 23 of the Illinois Administrative Code. Any teacher who has been charged with engaging in acts of corporal punishment, physical abuse, grooming, or sexual misconduct and who previously paused pre-hearing procedures or a hearing pursuant to Public Act 101-643 must proceed with selection of a hearing officer or hearing date, or both, within the timeframes established by this paragraph (3) and paragraphs (4) through (6) of this subsection (d), unless the timeframes are mutually waived in writing by both parties, and all timelines set forth in this Section in cases concerning corporal punishment, physical abuse, grooming, or sexual misconduct shall be reset to begin the day after the effective date of this amendatory Act of the 102nd General Assembly. Any teacher charged with engaging in acts of corporal punishment, physical abuse, grooming, or sexual misconduct on or after the effective date of this amendatory Act of the 102nd General Assembly may not pause pre-hearing procedures or a hearing.

(4) In the alternative to selecting a hearing officer from the list received from the State Board of Education or accepting the appointment of a hearing officer by the State Board of Education or if the State Board of Education cannot provide a list or appoint a hearing officer that meets the foregoing requirements, the board and the teacher or their legal representatives may mutually agree to select an impartial hearing officer who is not on the master list either by direct appointment by the parties or by using procedures for the appointment of an arbitrator established by the Federal Mediation and

Conciliation Service or the American Arbitration Association. The parties shall notify the State Board of Education of their intent to select a hearing officer using an alternative procedure within 3 business days of receipt of a list of prospective hearing officers provided by the State Board of Education, notice of appointment of a hearing officer by the State Board of Education, or receipt of notice from the State Board of Education that it cannot provide a list that meets the foregoing requirements, whichever is later.

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

(6) The teacher is required to answer the bill of particulars and aver affirmative matters in his or her defense, and the time for initially doing so and the time for updating such answer and defenses after pre-hearing discovery must be set by the hearing officer. The State Board of Education shall promulgate rules so that each party has a fair opportunity to present its case and to ensure that the dismissal process proceeds in a fair and expeditious manner. These rules shall address, without limitation, discovery and hearing scheduling conferences; the teacher's initial answer and affirmative defenses to the bill of particulars and the updating of that information after pre-hearing discovery; provision for written interrogatories and requests for production of documents; the requirement that each party initially disclose to the other party and then update the disclosure no later than 10 calendar days prior to the commencement of the hearing, the names and addresses of persons who may be called as witnesses at the hearing, a summary of the facts or opinions each witness will testify to, and all other documents and materials, including information maintained electronically, relevant to its own as well as the other party's case (the hearing officer may exclude witnesses and exhibits not identified and shared, except those offered in rebuttal for which the party could not reasonably have anticipated prior to the hearing); pre-hearing discovery and preparation, including provision for written interrogatories and requests for production of documents, provided that discovery depositions are prohibited; the conduct of the hearing; the right of each party to be represented by counsel, the offer of evidence and witnesses and the cross-examination of witnesses; the authority of the hearing officer to issue subpoenas and subpoenas duces tecum, provided that the hearing officer may limit the number of witnesses to be subpoenaed on behalf of each party to no more than 7; the length of post-hearing briefs; and the form, length, and content of hearing officers' decisions. The hearing officer shall hold a hearing and render a final decision for dismissal pursuant to Article 24A of this Code or shall report to the school board findings of fact and a recommendation as to whether or not the teacher must be dismissed for conduct. The hearing officer shall commence the hearing within 75 days and conclude the hearing within 120 days after being selected as the hearing officer, provided that the hearing officer may modify these timelines upon the showing of good cause or mutual agreement of the parties. Good cause for the purpose of this subsection (d) shall mean the illness or otherwise unavoidable emergency of the teacher, district representative, their legal representatives, the hearing officer, or an essential witness as indicated in each party's pre-hearing submission. In a dismissal hearing pursuant to Article 24A of this Code in which a witness is a student or is under the age of 18, the hearing officer must make accommodations for the witness, as provided under paragraph (6.5) of this subsection. The hearing officer shall consider and give weight to all of the teacher's evaluations written pursuant to Article 24A that are relevant to the issues in the hearing.

Each party shall have no more than 3 days to present its case, unless extended by the hearing officer to enable a party to present adequate evidence and testimony, including due to the other party's cross-examination of the party's witnesses, for good cause or by mutual agreement of the parties. The State Board of Education shall define in rules the meaning of "day" for such purposes. All testimony

at the hearing shall be taken under oath administered by the hearing officer. The hearing officer shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenographic or stenotype notes of all the testimony. The costs of the reporter's attendance and services at the hearing shall be paid by the party or parties who are responsible for paying the fees and costs of the hearing officer. Either party desiring a transcript of the hearing shall pay for the cost thereof. Any post-hearing briefs must be submitted by the parties by no later than 21 days after a party's receipt of the transcript of the hearing, unless extended by the hearing officer for good cause or by mutual agreement of the parties.

(6.5) In the case of charges involving sexual abuse or severe physical abuse of a student or a person under the age of 18, the hearing officer shall make alternative hearing procedures to protect a witness who is a student or who is under the age of 18 from being intimidated or traumatized. Alternative hearing procedures may include, but are not limited to: (i) testimony made via a telecommunication device in a location other than the hearing room and outside the physical presence of the teacher and other hearing participants, (ii) testimony outside the physical presence of the teacher, or (iii) non-public testimony. During a testimony described under this subsection, each party must be permitted to ask a witness who is a student or who is under 18 years of age all relevant questions and follow-up questions. All questions must exclude evidence of the witness' sexual behavior or predisposition, unless the evidence is offered to prove that someone other than the teacher subject to the dismissal hearing engaged in the charge at issue.

(7) The hearing officer shall, within 30 days from the conclusion of the hearing or closure of the record, whichever is later, make a decision as to whether or not the teacher shall be dismissed pursuant to Article 24A of this Code or report to the school board findings of fact and a recommendation as to whether or not the teacher shall be dismissed for cause and shall give a copy of the decision or findings of fact and recommendation to both the teacher and the school board. If a hearing officer fails without good cause, specifically provided in writing to both parties and the State Board of Education, to render a decision or findings of fact and recommendation within 30 days after the hearing is concluded or the record is closed, whichever is later, the parties may mutually agree to select a hearing officer pursuant to the alternative procedure, as provided in this Section, to rehear the charges heard by the hearing officer who failed to render a decision or findings of fact and recommendation or to review the record and render a decision. If any hearing officer fails without good cause, specifically provided in writing to both parties and the State Board of Education, to render a decision or findings of fact and recommendation within 30 days after the hearing is concluded or the record is closed, whichever is later, the hearing officer shall be removed from the master list of hearing officers maintained by the State Board of Education for not more than 24 months. The parties and the State Board of Education may also take such other actions as it deems appropriate, including recovering, reducing, or withholding any fees paid or to be paid to the hearing officer. If any hearing officer repeats such failure, he or she must be permanently removed from the master list maintained by the State Board of Education and may not be selected by parties through the alternative selection process under this paragraph (7) or paragraph (4) of this subsection (d). The board shall not lose jurisdiction to discharge a teacher if the hearing officer fails to render a decision or findings of fact and recommendation within the time specified in this Section. If the decision of the hearing officer for dismissal pursuant to Article 24A of this Code or of the school board for dismissal for cause is in favor of the teacher, then the hearing officer or school board shall order reinstatement to the same or substantially equivalent position and shall determine the amount for which the school board is liable, including, but not limited to, loss of income and benefits.

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

If the school board dismisses the teacher notwithstanding the hearing officer's findings of fact and recommendation, the school board shall make a conclusion in its written order, giving its reasons therefor, and such conclusion and reasons must be included in its written order. The failure of the school board to strictly adhere to the timelines contained in this Section shall not render it without

jurisdiction to dismiss the teacher. The school board shall not lose jurisdiction to discharge the teacher for cause if the hearing officer fails to render a recommendation within the time specified in this Section. The decision of the school board is final, unless reviewed as provided in paragraph (9) of this subsection (d).

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

(9) The decision of the hearing officer pursuant to Article 24A of this Code or of the school board's decision to dismiss for cause is final unless reviewed as provided in Section 24-16 of this Code. If the school board's decision to dismiss for cause is contrary to the hearing officer's recommendation, the court on review shall give consideration to the school board's decision and its supplemental findings of fact, if applicable, and the hearing officer's findings of fact and recommendation in making its decision. In the event such review is instituted, the school board shall be responsible for preparing and filing the record of proceedings, and such costs associated therewith must be divided equally between the parties.

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

Any teacher who is reinstated by any hearing or adjudication brought under this Section shall be assigned by the board to a position substantially similar to the one which that teacher held prior to that teacher's suspension or dismissal.

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

(e) Nothing contained in Public Act 98-648 repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on July 1, 2014 (the effective date of Public Act 98-648) in Illinois courts involving the interpretation of Public Act 97-8.

(Source: P.A. 101-81, eff. 7-12-19; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20; 102-708, eff. 4-22-22.)

(105 ILCS 5/34-84) (from Ch. 122, par. 34-84)

Sec. 34-84. Appointments and promotions of teachers. Appointments and promotions of teachers shall be made for merit only, and after satisfactory service for a probationary period of 3 years with respect to probationary employees employed as full-time teachers in the public school system of the district before January 1, 1998 or on or after July 1, 2023 and 4 years with respect to probationary employees who are first employed as full-time teachers in the public school system of the district on or after January 1, 1998 but before July 1, 2023, during which period the board may dismiss or discharge any such probationary employee upon the recommendation, accompanied by the written reasons therefor, of the general superintendent of schools and after which period appointments of teachers shall become permanent, subject to removal for cause in the manner provided by Section 34-85.

For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who receives ratings of "excellent" during his or her first 3 school terms of full-time service, the probationary period shall be 3 school terms of full-time service. For a probationary-appointed teacher in full-time service who is appointed on or after July 1, 2013 and who had previously entered into contractual continued service in another school district in this State or a program of a special education joint agreement in this State, as defined in Section 24-11 of this Code, the probationary period shall be 2 school terms of full-time service, provided that (i) the teacher voluntarily resigned or was honorably dismissed from the prior district or program within the 3-month period preceding his or her appointment date, (ii) the teacher's

last 2 ratings in the prior district or program were at least "proficient" and were issued after the prior district's or program's PERA implementation date, as defined in Section 24-11 of this Code, and (iii) the teacher receives ratings of "excellent" during his or her first 2 school terms of full-time service.

For a probationary-appointed teacher in full-time service ~~who is appointed on or after July 1, 2013~~ ~~and~~ who has not entered into contractual continued service after 2 or 3 school terms of full-time service as provided in this Section, the probationary period shall be ~~3~~ 4 school terms of full-time service, provided that the teacher holds a Professional Educator License and receives a rating of at least "proficient" in the last school term and a rating of at least "proficient" in either the second or third school term.

As used in this Section, "school term" means the school term established by the board pursuant to Section 10-19 of this Code, and "full-time service" means the teacher has actually worked at least 150 days during the school term. As used in this Article, "teachers" means and includes all members of the teaching force excluding the general superintendent and principals.

There shall be no reduction in teachers because of a decrease in student membership or a change in subject requirements within the attendance center organization after the 20th day following the first day of the school year, except that: (1) this provision shall not apply to desegregation positions, special education positions, or any other positions funded by State or federal categorical funds, and (2) at attendance centers maintaining any of grades 9 through 12, there may be a second reduction in teachers on the first day of the second semester of the regular school term because of a decrease in student membership or a change in subject requirements within the attendance center organization.

The school principal shall make the decision in selecting teachers to fill new and vacant positions consistent with Section 34-8.1.

(Source: P.A. 97-8, eff. 6-13-11.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 1872** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 44; NAYS 7.

The following voted in the affirmative:

Aquino	Feigenholtz	Lightford	Stadelman
Belt	Fine	Loughran Cappel	Turner, D.
Bennett	Fowler	Martwick	Turner, S.
Bryant	Gillespie	McClure	Ventura
Castro	Glowiak Hilton	Morrison	Villa
Cervantes	Halpin	Pacione-Zayas	Villanueva
Cunningham	Harris, N.	Peters	Villivalam
Curran	Harriss, E.	Porfirio	Mr. President
DeWitte	Holmes	Preston	
Edly-Allen	Johnson	Rezin	
Ellman	Joyce	Rose	
Faraci	Koehler	Sims	

The following voted in the negative:

Chesney
Lewis

McConchie
Plummer

Stoller
Syverson

Wilcox

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Koehler moved that **Senate Resolution No. 95**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Koehler moved that Senate Resolution No. 95 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Villa moved that **Senate Resolution No. 108**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Villa moved that Senate Resolution No. 108 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Villivalam moved that **Senate Resolution No. 225**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Villivalam moved that Senate Resolution No. 225 be adopted.

The motion prevailed.

And the resolution was adopted.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 32

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 27, 2023, the House of Representatives stands adjourned until Tuesday, May 2, 2023, or the the call of the Speaker; and the Senate stands adjourned until Tuesday, May 2, 2023, or to the call of the President.

Adopted by the House, April 27, 2023.

JOHN W. HOLLMAN, Clerk of the House

By unanimous consent, on motion of Senator Cunningham, the foregoing message reporting House Joint Resolution No. 32 was taken up for immediate consideration.

Senator Cunningham moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

[April 27, 2023]

PRESENTATION OF CONGRATULATORY RESOLUTION

SENATE RESOLUTION NO. 232

Offered by Senator Johnson:

Recognizes Superintendent John Price, Ed.D., of North Chicago Community Unit School District 187 (North Chicago CUSD 187) on being named Lake County Superintendent of the Year by the Lake County Superintendents' Association. Thanks Dr. Price for his inspirational leadership and dedication to ensuring all students receive a great education while attending North Chicago CUSD 187 that prepares them for an even greater future.

Under the Rules, the foregoing resolution was referred to the Committee on Assignments.

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS**

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

160 N. LASALLE ST., STE. 720
CHICAGO, ILLINOIS 60601
312-814-2075

Mr. Tim Anderson
Secretary of the Senate
058 State House
Springfield, IL 62706

Dear Secretary Anderson,

Pursuant to Senate Rule 6-1(c), we object to SR 217's presence on the Senate Consent Calendar.

s/Don Harmon
Don Harmon
Senator - 39th District

s/Cristina Castro
Cristina Castro
Senator - 22nd District

s/Bill Cunningham
Bill Cunningham
Senator - 18th District

Pursuant to Senate Rule 6-1(c), **Senate Resolution No. 217** was removed from the Resolutions Consent Calendar and referred to the Committee on Assignments.

CELEBRATION OF LIFE RESOLUTION CONSENT CALENDAR

SENATE RESOLUTION NO. 214

Offered by Senator Joyce and all Senators:
Mourns the passing of Donald E. Scott of Dwight.

SENATE RESOLUTION NO. 218

Offered by Senator Harmon and all Senators:

[April 27, 2023]

Mourns the passing of Christine "Chris" Eik Winick of Galesburg.

SENATE RESOLUTION NO. 219

Offered by Senator Wilcox and all Senators:

Mourns the death of Edward John "Ed" Buss of McHenry.

SENATE RESOLUTION NO. 222

Offered by Senator McClure and all Senators:

Mourns the passing of Tommy "Tom" Thompson of Springfield.

SENATE RESOLUTION NO. 228

Offered by Senator McClure and all Senators:

Mourns the death of Fern Graven of Springfield.

SENATE RESOLUTION NO. 229

Offered by Senator McClure and all Senators:

Mourns the death of Ronnie Joe Reiher of Carlinville.

SENATE RESOLUTION NO. 230

Offered by Senator McClure and all Senators:

Mourns the death of Robert Lewis "Bob" Poorman, Ph.D.

SENATE RESOLUTION NO. 231

Offered by Senator McClure and all Senators:

Mourns the death of John M. Palmer Sr. of Springfield.

The Chair moved the adoption of the Resolutions Consent Calendar.

The motion prevailed, and the resolutions were adopted.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 2 to House Bill 780
Amendment No. 1 to House Bill 2174
Amendment No. 1 to House Bill 2527
Amendment No. 2 to House Bill 3233

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 285
Amendment No. 2 to Senate Bill 1160

At the hour of 1:34 o'clock p.m., pursuant to **House Joint Resolution No. 32**, the Chair announced that the Senate stands adjourned until Tuesday, May 2, 2023, at 12:00 o'clock p.m., or until the call of the President.