

## Guide to Illinois Statutes Affecting Schools

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**Prepared by  
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## Introduction

The *Guide to Illinois Statutes Affecting Schools* serves as a handy reference to those Illinois statutes that are not in the School Code but are occasionally involved in the resolution of issues faced by school districts.

The *Guide* was the idea of Jim Bartley, Klein, Thorpe and Jenkins, Ltd. He volunteered countless hours towards its initial publication in 1995.

## Caveat

Nothing contained in this *Guide* is intended to be taken as legal advice, nor is it intended to be an exhaustive list of every state statute that might relate to a school law problem. It is not to be used as a substitute for thorough research. Instead, the Council hopes that the *Guide* will often be a useful point of beginning. The descriptions of the statutes cited in the *Guide* are intended to be brief and should not be taken as a full recitation of content. It references statutes passed by the General Assembly as of **January 1, 2018**. Finally, the *Guide* generally excludes laws that are unique to Chicago Public School District 299.

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# BOARDS OF EDUCATION

1. **Illinois Constitution, Art. IV, SECTION 2(e) and Art. VI, SECTION 13(b)**

**Description:** Prohibits simultaneously holding two incompatible offices.

2. **Statute on Statutes, 5 ILCS 70/0.01 et seq.**

**Description:** Defines the construction of statutes unless such construction would be inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute.

3. **Open Meetings Act, 5 ILCS 120/1 et seq.**

**Description:** Declares that the people have the right to be informed as to the conduct of a public body's business, applies to committees and subcommittees of the board, and requires all meetings of public bodies be open, subject to enumerated exceptions that are strictly construed and extend only to subjects clearly within their scope. Such exceptions include school board discussion of school building safety and security. Further provides that a closed meeting may occur upon a majority vote of a quorum present during an open meeting and prohibits any final action of a board during closed session. Defines meeting as any gathering, whether in person or by video or audio conference, telephone call, electronic means, or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a board held for the purpose of discussing public business. Requires a quorum to be physically present during all board meetings. Specifies public notice requirements for all meetings and the establishment of a regular meeting schedule at the beginning of each calendar or fiscal year. Requires that: (1) the posted agenda set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting, and (2) the public body conducting the meeting ensure that at least one copy of the agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the meeting (at the public body's principal office, the meeting location, and on the public body's website if maintained by full-time staff). Mandates written minutes of board meetings and specifies items required to be in the minutes (whether open or closed). Requires the board to semi-annually decide what closed session minutes, if any, no longer require confidential treatment. Requires verbatim recording of closed session and permits destruction of

the verbatim recording upon certain conditions. Requires that all available minutes and verbatim recordings of meetings closed to the public prior to a newly elected or appointed official's term in a public body be available to that official for review, regardless of whether those minutes or verbatim recordings are confidential. Allows board members to attend a board meeting through means other than physical presence provided certain conditions are met. Requires a board to provide an opportunity for any person to address it during a meeting. Provides a civil action for non-compliance and possible criminal conviction of a Class C misdemeanor for any person violating it. Provides a Public Access Counselor within the Office of the Attorney General. Requires a board to: (1) designate certain individuals to complete annual training through the Public Access Counselor on compliance with the Act, and (2) submit a list of the designated individuals to the Public Access Counselor. Requires board members to successfully complete Open Meetings Act training provided by either: (1) the Attorney General's Public Access Counselor online program, or (2) the Illinois Association of School Boards. Requires employers participating in the Illinois Municipal Retirement Fund to post on their web page the total compensation package of employees meeting the criteria outlined in the law. Allows a person to bring a civil action in the circuit court within 60 days of the decision by the Attorney General to resolve a request for review by means other than the issuance of a binding opinion.

4. **Freedom of Information Act, 5 ILCS 140/1 et seq.**

**Description:** States that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of public officials and employees. Declares that: (1) operating openly and providing public records as expediently and efficiently as possible is a fundamental obligation of government, and (2) providing records is a primary duty of public bodies, fiscal obligations notwithstanding. Provides other clarifications to help protect public bodies from citizens who intentionally abuse the Freedom of Information Act (FOIA) by repeatedly requesting vast amounts of information. Authorizes a public body to charge specified fees when: (1) responding to requests for commercial purposes and/or voluminous requests, (2) the actual cost of retrieving and transporting public records from an off-site

storage facility, and (3) the public body reproduces and certifies public records, as long as the fee charged is reasonably calculated to reimburse the public body. Provides a Public Access Counselor in the Office of the Attorney General. Requires public bodies to make all public records available to any person for inspection or copying, subject to enumerated exceptions and exemptions. Requires designation by the public body of a Freedom of Information Officer who will perform statutorily specified duties, including completion of annual training program developed by the Public Access Counselor. Requires public bodies to maintain and make available a reasonably current list of all types or categories of records under their control. Allows additional time to comply with a FOIA request from a “recurrent requester.” Requires the maintenance of a central file of all request denials issued by the public body. Allows a person denied access to inspect or copy any public record to file suit for injunctive or declaratory relief. Allows a court to award reasonable attorney’s fees and costs, and to impose a civil penalty of \$2,500 – 5,000 per willful and intentional failure to comply with the Freedom of Information Act. Allows a court to fine a public body \$1,000 each day the public body fails to comply with a court’s order regarding a Freedom of Information Act compliance violation.

5. **Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.; See also Illinois Constitution, Art. VII, SECTION 8.**

**Description:** Allows a public agency to exercise any of its powers, privileges, or authority jointly with any other public agency. Provides for intergovernmental contracts for any service, activity, or undertaking which any of the public agencies is authorized by law to perform. Contains requirements and oversight for joint insurance pools.

6. **Officials Convicted of Infamous Crimes Act, 5 ILCS 280/1; See also Illinois Constitution, Art. XIII**

**Description:** Provides that any elected official of any school district who is convicted in any court of a felony, bribery, perjury, or any other infamous crime shall be, upon conviction, ineligible to continue in such office. See *infra*, **Elections Section**, page 10, number 1(e).

7. **Elected Officials Misconduct Forfeiture Act, 5 ILCS 282/1 et seq.**

**Description:** Allows the Attorney General to file an action in circuit court against an elected official who has, by his or her violation of Article 33 of the Criminal Code of 1961 or the Criminal Code of 2012 or violation of a similar federal offense, injured the people of Illinois. The purpose of such suit is to recover all proceeds traceable to the elected official’s offense and by so doing, prevent, restrain or remedy violations of Article 33 of the Criminal Code of 1961 or the Criminal Code of 2012 or similar federal offenses.

8. **Illinois Governmental Ethics Act, 5 ILCS 420/4A-101 et seq.**

**Description:** Requires board members and candidates in board elections, as well as certain administration and business officials, to file verified statements of economic interests with the county clerk of the county in which the person making the statement resides. Authorizes county clerks to institute an Internet-based system for filing statements of economic interests but allows the filing of those statements by Internet or by standardized form. Such statements must be filed by a specified date each year, unless the person has already filed a statement in relation to the same unit of government in that year. Failure to file within the designated timeframe after receiving notice of such failure will result in ineligibility for or forfeiture of the office or position of employment.

9. **State Officials and Employee Ethics Act, 5 ILCS 430/1 et seq.**

**Description:** Requires a board policy on the subject matter and controls the policy’s content. The Illinois Attorney General’s model ordinance provides that a local government entity will enforce its policy through quasi-criminal proceedings or through hiring an attorney to prosecute violators. The statute’s penal enforcement provisions present an obvious difficulty for school districts – the legislature has not specifically granted school districts the power to adopt penal ordinances and penalties. See *infra*, **Employees Section**, page 12, number 4.

a. **Prohibited Political Activity**, 5 ILCS 430/1-5

**Description:** Prohibits public officers and employees from: (1) participating in or conducting any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off), (2) misappropriating any property of the public entity or resources by engaging in any prohibited political activity, (3) being pressured to participate in any such political activities as a condition of employment, (4) receiving additional employment rewards or compensation for participating in or conducting prohibited political activities, or (5) using other public employees or resources for a political use. See *infra*, **Employees Section**, page 12, number 3.

b. **Gift Ban**, 5 ILCS 430/10-10, and 430/10-30

**Description:** Prohibits board members, or employees and their spouses, or immediate family members living with board members, or employees, from intentionally soliciting or accepting any “gift” from any “prohibited source”, as defined by the statute, with exceptions. Also bars prohibited sources from intentionally offering or making gifts that violate the statute or board policy.

c. **Sexual Harassment**, 5 ILCS 430/70-5(a)

**Description:** Requires school districts to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment that includes: (1) a prohibition on sexual harassment, (2) details on how to report incidents of sexual harassment, (3) a prohibition on retaliation for reporting sexual harassment allegations, including the availability of whistleblower protections, and (4) the consequences of a violation of the policy.

10. **State Commemorative Dates Act**, 5 ILCS 490/1 *et seq.*

**Description:** Lists over 50 commemorative dates observed throughout the State. Specifies that schools should or must observe the following: Arbor and Bird Day the last Friday in April of each year (5 ILCS 490/10), Prairie Week the third full week of September (5 ILCS 490/75), Retired Teachers’ Week the fourth week in May of each year (5 ILCS 490/80), and Emancipation Proclamation Week the first full week of January of each year (5 ILCS 490/155).

11. **Illinois Election Code**, 10 ILCS 5/1-1 *et seq.*

**Description:** Governs Illinois school board elections, including the election of school board members and various public policy positions. See *infra*, **Elections Section**, page 10, number 1.

12. **Civil Administrative Code of Illinois**, 20 ILCS 2310/2310-676

**Description:** Creates an advisory council on pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections and pediatric acute neuropsychiatric syndrome (PANDA) within the Illinois Dept. of Public Health to advise the Director of Public Health on research, diagnosis, treatment, and education relating to the disorder and syndrome. It requires the advisory council to annually issue a report to the General Assembly with recommendations that include: (1) mechanisms to increase clinical awareness and education regarding the syndrome and disorder among school-based health centers, and (2) outreach to educators and parents to increase awareness of the disorder and syndrome.

13. **General Assembly Organization Act**, 25 ILCS 5/3.2

**Description:** Provides that until four years after January 1, 2016, the General Assembly shall not enact any law creating any new unit of local government, including but not limited to, the division of existing units of local government. Does not apply to new units created from consolidation of two or more pre-existing units of local government.

14. **Public Officer Prohibited Activities Act**, 50 ILCS 105/1 *et seq.*

**Description:** Section 1.2 prohibits a county board member from simultaneously being a school board member, except in a county having fewer than 40,000 inhabitants. Section 1.3 permits a board member to simultaneously be a city councilman, a city alderman or a village trustee if the village, city or unincorporated town has 2500 or fewer inhabitants. Section 3 outlines prohibitions of a board member’s interests in contracts with limited exceptions (virtually the same exceptions are stated in the School Code at 105 ILCS 5/10-9). Section 4 provides that violators of any provision of the Act are guilty of a Class 4 felony and any office or official position held by any person so convicted shall become vacant, and shall be so declared as part of the judgment of court. See *infra*, **Property and Contracts Section**, page 37, number 11.

15. **Time Off for Official Meetings Act, 50 ILCS 115/0.01 et seq.**

**Description:** Entitles any elected official of a unit of local government or school district to be absent from employment on the day and time of an official meeting of the public body to which the official has been elected. Prohibits the official's employer from imposing any penalty other than deduction from the official's wages for the period of absence, for attendance at such meeting. The elected official must inform the employer in advance of his or her intent to be absent from employment for attendance at the official meeting.

16. **Local Government Officer Compensation Act, 50 ILCS 145/2**

**Description:** Requires that the compensation of elected officer of school districts be fixed by that school district at least 180 days before the beginning of the officer's terms. Note that under the Illinois School Code, a board secretary, if not a member of the board, may receive such compensation as shall be fixed by the board of education prior to the election of the secretary. 105 ILCS 5/10-14. If the secretary is a member of the board, he or she may receive such compensation not to exceed \$500 per year as shall be fixed by the board and may vote on all questions coming before the board. *Id.* Also, a board shall fix the compensation for a treasurer who is not a member of the board. 105 ILCS 5/8-1. See *infra*, **Financial Affairs Section**, page 30, number 39.

17. **Local Government Travel Expense Control Act, 50 ILCS 150/1 et seq.**

**Description:** Requires school districts to adopt a policy to regulate travel, meal, and lodging expenses of officers and employees including: the types of official business for which the expenses are allowable, maximum allowable reimbursements, and a standardized form for submission of expenses. It requires such expenses of school board members be approved by roll call vote in an open meeting and that documentation be received in writing. See *infra*, **Employees Section**, page 14, number 15. See *infra*, **Financial Affairs Section** page 30, number 40.

18. **Local Government Wage Increase Transparency Act, 50 ILCS 155/1 et seq.; 5 ILCS 120/2; 40 ILCS 5/7-114.**

**Description:** provides that employers under the Illinois Municipal Retirement Fund may not pay a disclosable payment to a retiring employee before

the expected date of retirement without first disclosing certain information about the payment at a public meeting of the governing body of the employer.

19. **Local Records Act, 50 ILCS 205/1 et seq.**

**Description:** Requires a program for the efficient and economical management of local records and availability for inspection of public records. It establishes Local Records Commissions, whose written permission is required for school districts to dispose of any public record. Note: Section 3a of the Act applies to the inspection of records and reports prepared or received on or before June 30, 1984. The inspection of records and reports prepared or received on or after July 1, 1984 are covered under the provisions of the Freedom of Information Act. Requires school districts to post, on the school district's website, a mechanism for members of the public to electronically communicate with school board members, e.g. an email address or uniform single email address. It also requires the hyperlink to this information to be easily accessible from the website homepage. Provides that any person who knowingly, without lawful authority and with the intent to defraud any party, public officer, or entity, alters, destroys, defaces, removes, or conceals any public record commits a Class 4 felony.

20. **Zoning Compliance, 55 ILCS 5/5-12021; 60 ILCS 1/110-70; 65 ILCS 5/11-13-27**

**Description:** Provides that a school district is subject to, and its school board must comply with, any valid local government zoning ordinance or resolution that applies where the pertinent part of the school district is located.

21. **Public Community College Act, 110 ILCS 805/1-1 et seq.**

**Description:** Governs public community college districts organized under the Act.

a. **Joint Agreements with School Boards, 110 ILCS 805/3-40.1**

**Description:** Permits community college districts to enter into joint agreements with school boards for advanced vocational training and career education and through such joint agreements to: (1) acquire and improve sites, (2) construct and equip facilities and lease and equip facilities deemed necessary by the parties, (3) maintain programs and provide financing for the advanced vocational training and career education, and (4) bill/charge each par-

ticipating student's school district. Note: such joint agreements are entered into pursuant to the School Code at 105 ILCS 5/10-22.20a.

b. **Wind and Solar Farms**, 110 ILCS 805/3-42.3

**Description:** Permits community college districts to own and operate a wind or solar generation turbine farm either individually or jointly with an authorized school district if the farm directly or indirectly reduces the energy or other operating costs of the community college district.

c. **Accelerate College Pilot Program**, 110 ILCS 805/4-42.4

**Description:** Allows community college district boards to enter into an Accelerate College educational partnership agreement with any school district wholly contained within the community college district's jurisdiction. Requires partnering school districts to offer a group of high school students the right to take community college courses without paying tuition for those courses. Scheduled to be repealed on July 22, 2019.

d. **Private-Public Partnership Boards**, 110 ILCS 805/3-53

**Description:** Encourages the creation of volunteer private-public partnership boards by community colleges with named partners, including school superintendents and principals, for the purpose of providing programs of advanced manufacturing technology. Specifically calls for alignment of high school dual-credit programs with advanced community college manufacturing technology programs.

22. **Illinois Educational Labor Relations Act**, 115 ILCS 5/1 *et seq.*

**Description:** Allows educational employees the right to organize and choose representatives for collective bargaining, and requires boards of education to bargain with employee organizations in good faith with regard to wages, hours, terms, and conditions of employment and to enter into written collective bargaining agreements. Prohibits bargaining with respect to certain subjects. Sets up Educational Labor Relations Board to handle complaints and issues arising under the Act. Note: Impasse and strike procedures contain significant amendments from P.A. 97-8 a/k/a "Senate Bill 7" and P.A. 98-513 and its "clean-up" changes. See *infra*, **Employees Section**, page 14, number 18.

23. **Abused and Neglected Child Reporting Act**, 325 ILCS 5/4, and 5/7.4(c-10)

**Description:** Members of a school board, the Chicago Board of Education, and the governing body of a private school are mandated reporters. Board members are only mandated reporters if either a child abuse allegation or abuse of an "adult student with a disability" allegation is disclosed to a board member during a school board meeting. The Department of Children and Family Services may recommend removal of a school employee that is the subject of an investigation, pending the outcome, though all employment decisions regarding school personnel are the sole responsibility of the school district. See *infra*, **Employees Section**, page 16, number 27. a. & b. See *infra*, **Students and Parents Section**, page 42, number 12.

24. **Children's Mental Health Act of 2003**, 405 ILCS 49/1 *et seq.*

**Description:** Requires districts to have a protocol for responding to children with social, emotional, mental health problems, or a combination of such problems, that impact learning ability. Also requires every district to have a policy for incorporating social and emotional development into the district's education program. See *infra*, **Students and Parents Section**, page 44, number 18.

25. **Public Health**

a. **Autism and Co-Occurring Medical Conditions Awareness Act**, 410 ILCS 150; 215 ILCS 5/356z.14, and 5/356z.24

**Description:** Promotes a greater awareness and the detection, diagnosis, and treatment of underlying and co-occurring medical conditions that occur more commonly in persons with autism to further awareness, scientific understanding, and health outcomes for persons living with autism. It permits complaints to be filed with the Illinois Dept. of Public Health (IDPH) asserting that an individual with autism has not received an appropriate evaluation, diagnosis, service or treatment from a provider, which may include schools.

b. **Lupus Education and Awareness Act**, 410 ILCS 528/15

**Description:** Creates a multi-pronged, state-wide program within the IDPH to promote public and health professional awareness among State and local health and human services officials, physicians, nurses, and other health care

providers. It requires the Director of the IDPH to identify entities to carry out the program, which may include schools.

**26. Illinois Vehicle Code, 625 ILCS 5/1-100 et seq.**

**a. Driver Education – Traffic Stops, 625 ILCS 5/6-419, and 5/12-707.01**

**Description:** Provides that driver education courses shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.

**b. Liability Insurance, 625 ILCS 5/12-707.01**

**Description:** Provides that the minimum amount of \$2,000,000 of liability insurance required for a vehicle with a school bus driver permit may be satisfied by either a \$2,000,000 combined single limit primary commercial automobile policy, or a \$1,000,000 primary commercial automobile policy and a minimum \$5,000,000 excess or umbrella liability policy.

**c. Registration Fees and Plates, 625 ILCS 5/3-808(a) and 5/3-808.1(b)(7)**

**Description:** Provides that a registration fee of \$10 per two-year registration period shall be paid by the owner school district for: (1) vehicles operated exclusively as a school bus for school purposes by any school district, and (2) vehicles operated exclusively in a high school driver training program by any school district. Provides that, beginning with the 2017 registration year, permanent vehicle registration plates shall be issued, for a one-time fee of \$8.00, to vehicles that do not require a school bus driver permit to operate, and are owned by a public school district for grades K-12.

**d. Non-Student Passengers, 625 ILCS 5/12-825.**

**Description:** Provides that school buses used for extra-curricular activities may also be used to transport passengers other than students enrolled in grade 12 or below for activities that do not involve a public or private educational institution if the school bus driver or school bus owner (1) complies with 625 ILCS 5/12-806 (does not use stop signal arm nor flashing signal system), and (2) obscures/removes the “SCHOOL BUS” sign so that it is not visible to other motorists.

**27. Notice By Publication Act, 715 ILCS 5/1 et seq.**

**Description:** Allows school districts without a newspaper circulated within the school district to give their required public notice publications in a: (1) secular newspaper having general circulation within the school district, or, if there is none, (2) secular newspaper published in the county in which the school district is located and having general circulation within the school district, or, if there is none, (3) in a secular newspaper published in an adjoining county having general circulation within the school district.

**28. Newspaper Legal Notice Act, 715 ILCS 10/1 et seq.**

**Description:** Requires newspapers that publish required notices (e.g., legal, order of court, or a contract) to, at no additional cost to the school district, place the notice on the statewide website established and maintained as a joint venture of the majority of Illinois newspapers as a repository for the notices required notices. Allows all notices required for publication by the Act to remain legal and valid for all purposes when any printer error occurs concerning the placement of the notice on the statewide website.

**29. Eavesdropping Act, 720 ILCS 5/14-3(m)**

**Description:** Provides the requirements for schools that want to make an electronic recording (e.g., a motion picture, videotape, digital, or other visual or audio recording) of the interior of a school bus while the school bus is being used to transport students.

**30. Official Misconduct, 720 ILCS 5/33-3**

**Description:** Prohibits a public officer or employee from failing to perform any duty required by law, knowingly performing any illegal act, performing an act in excess of his lawful authority with intent to obtain a personal advantage, or soliciting or accepting a fee which he is not authorized to accept. Violation can result in forfeiture of employment and conviction of a Class 3 felony.

**31. Construction – Design Management and Supervision, 735 ILCS 5/13-214.**

**Description:** Eliminates the statute of limitations on any lawsuit due to health problems caused by asbestos. While specifically aimed at mesothelioma, the legislation is broad and may encompass other health problems.

32. **Citizen Participation Act,**  
735 ILCS 110/1 *et seq.*

**Description:** Protects and encourages public participation in government to the maximum extent permitted by law. Establishes an efficient process for identification and adjudication of “Strategic Lawsuits Against Public Participation” (SLAPPs) and provides for attorney’s fees and costs to prevailing movants. See *infra*, **Employees Section**, page 19, number 39. See *infra*, **Litigation Section**, page 34, number 9.

33. **Illinois Right of Publicity Act,**  
765 ILCS 1075/10 *et seq.*

**Description:** Prohibits the use of another individual’s identity for commercial purposes without his or her written consent. “Identity” includes name, signature, photograph, image, likeness, and voice.

34. **Religious Freedom Restoration Act,**  
775 ILCS 35/1 *et seq.*

**Description:** Requires that all State and local government have a compelling interest to justify a substantial burden on an individual’s free exercise of religion. See *infra*, **Employees Section**, page 20, number 50.

35. **Personal Information Protection Act,**  
815 ILCS 530/1 *et seq.*

**Description:** Requires any data collector that owns or licenses personal information concerning an Illinois resident to notify the resident at no charge that there has been a breach of the security system data following discovery or notification of the breach. Also requires disposal of personal data or written material collected in such a manner as to ensure security and confidentiality of the material. A violation of the Act is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. See *infra*, **Litigation Section**, page 35, number 15. See *infra*, **Students and Parents Section**, page 51, number 41.

## ELECTIONS

1. **Illinois Election Code, 10 ILCS 5/1-1 *et seq.***

**Description:** Governs Illinois elections, including the election of school board members and various public policy propositions, such as to increase authorized property tax rates, issue bonds, or consolidate districts. Advisory questions concerning the school district may be placed on the ballot. See *supra*, **Boards of Education Section**, page 6, number 11.

a. **Schedule of Elections, 10 ILCS 5/2A-1.1(b) and 5/2A-1.2(c)**

**Description:** School board members are elected at the consolidated election held on the first Tuesday in April of odd-numbered years, except when postponed to avoid a conflict with Passover. School districts that operate pursuant to Article 33 of the School Code have a different election schedule.

b. **Elections at Which Referenda Are Conducted, 10 ILCS 5/2A-1.1 and 5/28-1**

**Description:** Except for emergency referenda, referenda must be submitted to the voters at regularly scheduled elections. In addition to the consolidated election, referenda may be voted upon, in even numbered years, at the general

primary election conducted on the third Tuesday in March and at the general election conducted on the first Tuesday after the first Monday in November, and in odd numbered years, at the consolidated primary election conducted on the last Tuesday in February.

c. **Emergency Referenda, 10 ILCS 5/2A-1.4**

**Description:** Governs referenda conducted on other than regularly scheduled election dates. A school board may petition the circuit court for an order declaring a proposition to be an emergency and fixing a date on which to hold a special referendum election. The school district must pay the costs of conducting an emergency referendum.

d. **Voter Registration, 10 ILCS 5/4-6.2**

**Description:** County clerk may appoint high school or elementary school principals, or people designated by them, to register eligible residents of the state to vote.

e. **Election Interference, Prohibitions and Penalties, 10 ILCS 5/9-25.1, and 5/29-1 *et seq.*; 5 ILCS 430/1-5, and 430/5-15**

**Description:** No public funds may be used to urge an elector to vote for or against any candidate or proposition. School employees cannot be required to perform certain acts related to elections. Also addresses advocacy, electioneering, campaign literature, and other prohibitions. Prohibits persons convicted of an infamous crime from holding office. See *supra*, **Boards of Education** Section, page 5, number 6.

- f. **Petitions for Nomination**, 105 ILCS 5/9-10; 10 ILCS 5/10-4, 5/10-5, and 5/10-6

**Description:** A school board candidate must circulate a nominating petition within the ninety day period before the first day for filing nomination papers. A candidate must file circulated petition sheets containing the signatures of 50 registered voters or 10% of the voters, whichever is less, and a statement of candidacy with the county clerk's office or the county board of election commissioners' office of the county where the school district's principal office is located not more than 113 nor less than 106 days before the April (consolidated) election. During that period, a candidate must also file with the county clerk or the county board of election commissioners' office a receipt showing that a Statement of Economic Interests was filed with the county clerk by the end of the period for filing nomination papers. The previous practice of filing nominating petitions and the Statement of Economic interests with the school board secretary (or designee) has been eliminated. If the candidate filed a statement of economic interests for the school district earlier in the same calendar year in which the nomination papers are filed, he or she only has to file the receipt with the county clerk or the county board of election commissioners' office.

- g. **Review of Nomination Papers**, 10 ILCS 5/1-15 and 5/10-7

**Description:** All nomination papers can be reviewed by the public after they are filed. A Freedom of Information Act request is not necessary to do so. The nomination papers must be kept for at least six months. In addition, if a school district still has election documents from elections prior to the 2015 election, the Election Code specifies that the disposal of those documents is subject to the requirements of the Local Records Act.

- h. **Candidate Withdrawal**, 10 ILCS 5/10-7

**Description:** Provides a procedure for a candidate to withdraw his or her candidacy, which may be done within the designated time frame before the election.

- i. **Objections to Nomination Papers and Public Questions Heard by County Officers Electoral Board or County Board of Election Commissioners**, 10 ILCS 5/10-7, 5/10-8, 5/10-9, 5/10-10, and 5/10-10.1; 10 ILCS 5/28-4

**Description:** Objections to nomination papers must be filed with the county clerk's office or the county board of election commissioners' office within five business days after the last day for filing nomination papers. The county officers electoral board or county board of election commissioners will hear and rule on objections to candidate nomination petitions and voter referenda petitions.

- j. **Certification of Candidates and Referenda**, 10 ILCS 5/10-15 and 5/28-5

**Description:** Sets forth requirements for certification of candidates and referenda. The county clerk's office or the county board of election commissioners' office must certify the names of all candidates whose petitions have been filed, unless objections against those petitions have been sustained, in the order filed, to the county clerk or board of election commissioners as required by the statute. Since referenda petitions are still filed with the school board secretary, the secretary must certify the referenda questions to the county clerk or the county board of election commissioners for placement on the ballot. Referenda must be certified within the designated time period before the election.

- k. **Write-In Candidates**, 10 ILCS 5/17-16.1 and 5/18-9.1

**Description:** Provides the procedure by which write-in candidates must file declarations of intent without which votes for write-in candidates will not be counted.

- l. **Election Contests**, 10 ILCS 5/23-20 *et seq.*

**Description:** Sets forth the requirements for initiating and conducting election contests.

- m. **Referenda Initiation**, 10 ILCS 5/28-1 *et seq.*

**Description:** Governs the initiation and submission of all public questions. When authorized by the School Code or other statute, the school board adopts a resolution, within the specified statutory time-frame before the election, to place a binding referendum on the ballot at a regularly scheduled election. Unlike candidate nomination petitions, voter petitions for referenda are still filed with the school board secretary. The school board must cause a binding question to be submitted to the voters whenever it receives a petition signed by the percentage of

registered voters of the school district required by the School Code or other authorizing statute. A petition to place an advisory referendum on a ballot must be signed by at least 8% of the total votes cast for candidates for governor in the preceding gubernatorial election by the voters of the school district. Voter initiated referenda must be filed with the board secretary within a specified time period prior to the election at which it will be considered.

n. **Campaign Contributions and Expenditures**, 10 ILCS 5/9-1 *et seq.*

**Description:** Contains requirements for candidates and those who support or oppose referenda, including when political committees must be established, what is considered a contribution, limits on contributions, record keeping and filing, and the dissolution of political committees.

o. **Resignations and Vacancies**, 10 ILCS 5/25-2

**Description:** Lists the events upon which an elective office becomes vacant.

## EMPLOYEES

### 1. **Open Meetings Act**, 5 ILCS 120/7.3<sup>1</sup>

**Description:** Provides that Illinois Municipal Retirement Fund (IMRF) employers post on their website and at their principal place of business the total compensation package (TCP) for each IMRF-covered employee earning in excess of \$75,000 within six days after approval of the budget, and for employees earning a minimum of \$150,000 posting of the TCP at least six days prior to approving their TCP.

### 2. **Illinois Public Labor Relations Act**, 5 ILCS 315/3

**Description:** Defines “public employee” to include peace officers employed by a school district if the school district has its own police department that was already established before July 23, 2010.

### 3. **Prohibited Political Activity**, 5 ILCS 430/1-5

**Description:** Prohibits public officers and employees from: (1) participating in or conducting any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off); (2) misappropriating any property of the public entity or resources by engaging in any prohibited political activity; (3) being pressured to participate in any such political activities as a condition of employment; (4) receiving additional employment rewards or

compensation for participating in or conducting prohibited political activities; or (5) using other public employees or resources for a political use. See *supra*, **Boards of Education Section**, page 6, number 9. a.

### 4. **State Officials and Employee Ethics Act**, 5 ILCS 430/5-60(b)

**Description:** Requires employees to repay to the school district all compensation and the value of all benefits received during suspension with pay when any criminal conviction results from the investigation or allegations underlying the suspension. Also see *supra*, **Boards of Education Section**, page 5, number 9.

### 5. **Personnel Code**, 20 ILCS 415/4d

**Description:** Applies the partial personnel jurisdiction exemption to all rehabilitation / mobility instructors and rehabilitation/mobility instructor trainees at the Illinois School for the Visually Impaired. Extends the sunset date of the partial personnel jurisdiction exemption to August 30, 2019.

### 6. **New Hire Reporting Act**, 20 ILCS 1020/1 *et seq.*

**Description:** Requires employers to report new hires to the Illinois Department of Employment Security (IDES) so that child support enforcement efforts may be enhanced.

### 7. **Illinois Criminal Identification Act**, 20 ILCS 2630/1 *et seq.*

**Description:** Requires the Illinois Department of State Police (IDSP) to procure and file

<sup>1</sup> ICSA interprets Section 7.3, effective 1/1/12, to apply only to the District’s IMRF - covered employees consistent with the section title “Duty to post information pertaining to benefits offered through the Illinois Municipal Retirement Fund.” However, the language of the new provision creates some ambiguity by referring to employees of an employer participating in the IMRF, which arguably also could include a School District’s non-IMRF employees.

information on all persons who have been arrested for any violation of an Illinois penal statute, and to make a complete and systematic index of this information. Provides for the furnishing of conviction information to school districts. Requests for conviction information must be in writing and accompanied by a certificate of necessity signed by the president of the school board. Requires any nurse (including a school nurse) to notify the local law enforcement agency when treatment has been requested by a person who has suffered an injury resulting from the discharge of a firearm or from the commission of a criminal offense.

**8. Illinois Uniform Conviction Information Act, 20 ILCS 2635/1 et seq.**

**Description:** Provides that all conviction information mandated by statute to be collected and maintained by the IDSP shall be open to public inspection. All persons shall have access to inspect, examine, and reproduce such information. When such information is sought for employment purposes, the requester must obtain a release signed by the individual to whom the information pertains, and must maintain this release on file for a time specified by statute, and must provide a copy of the information obtained to the individual to whom it pertains.

**9. Illinois Investment Policy Board (Illinois Pension Code), 40 ILCS 5/1-110.16 et seq.**

**Description:** Establishes an Illinois Investment Policy Board tasked with ensuring investment of public money in a retirement system established under the Illinois Pension Code (including the Teachers' Retirement System) does not occur in entities that are prohibited from investment by Illinois law. Prohibits investment in certain companies that do business with Iran and Sudan as well as companies that boycott Israel.

**10. Illinois Pension Code, 40 ILCS 5/1-101 et seq.**

**a. Illinois Municipal Retirement Fund, 40 ILCS 5/7-101 et seq.**

**Description:** Creates a fund to provide annuities and other benefits to certain municipal officers and employees or their beneficiaries. Provides comprehensive rules, affecting both employers and employees, regarding eligibility for and participation in this fund. Provides early retirement incentives and regulates all aspects of fund management.

**b. Illinois Municipal Retirement Fund – Earnings, 40 ILCS 5/7-114; 40 ILCS 5/7-172.**

**Description:** Excludes vehicle allowances from the definition of “earnings” for a Fund pension. Provides that when assessing a payment for any amount due under the Act by the participating municipality, the Fund shall exclude earning increases resulting from payments for unused vacation time made in the final three months of the final rate of the earnings period.

**c. Illinois Municipal Retirement Fund – Active Participant, 40 ILCS 5/7-139; 40 ILCS 5/7-139.2; 40 ILCS 5/7-142.1; 40 ILCS 5/7-145.1; 40 ILCS 5/7-169.**

**Description:** Requires that the Board of Trustees of the Fund receive applications and payments for certain types of service credits while the employee is an active participant in the Fund or a reciprocal retirement system, except that an applicant may make one payment after the termination of active participation in the Fund or a reciprocal reporting system.

**d. Illinois Municipal Retirement Fund – Municipality and Instrumentality Contributions, 40 ILCS 5/7-172**

**Description:** Changes reference of “salary” to “reported earnings” regarding additional contributions from the local government. The Act notes that this change is a clarification of existing law and is intended to be retroactive to January 1, 2012.

**e. Illinois Municipal Retirement Fund – Board of Trustees, 40 ILCS 5/7-174.**

**Description:** Provides that no person shall be eligible to be a trustee of a participating municipality who does not have the minimum service credit in the Fund to qualify for a pension.

**f. Teachers' Retirement System, 40 ILCS 5/16-101 et seq.**

**Description:** Creates pension fund for public school teachers in cities with a population less than 500,000. Provides comprehensive rules regarding such things as participation in the fund, computation of service credit, and transfer of credit from other systems. Provides early retirement incentives, and regulates all aspects of fund management.

In December of 2013, the Illinois legislature passed, and Gov. Quinn signed, a broad-reaching pension reform bill. After two years of litigation, the Illinois Supreme Court, in May of 2015, found that the law violated the pension

protection clause in the 1970 Illinois Constitution. Pension reform remains a constant topic in the Illinois legislature.

g. **Public School Teachers Pension and Retirement Fund – Cities Over 500,000 Inhabitants**, 40 ILCS 5/17-101 *et seq.*

**Description:** Creates pension fund for public school teachers in cities with a population greater than 500,000. Provides comprehensive rules regarding such things as participation in the fund, computation of service credit, and transfer of credit from other systems. Provides early retirement incentives, and regulates all aspects of fund. Provides that a retired teacher may be re-employed as a teacher on a temporary and non-annual basis or on an hourly basis without loss of pension, so long as the person (1) does not work as a teacher for compensation for more than 100 days in a school year, and (2) does not accept gross compensation for such re-employment in a school year in excess of \$30,000.

11. **Municipal Employees Military Active Duty Act**, 50 ILCS 120/0.01 *et seq.*

**Description:** Provides that when school district employees enlist or are ordered to active military service, they may be considered to be on furlough or leave of absence for the time of service and for a specified time thereafter, and may be restored to their position without loss of seniority. Allows continued payments to pension fund during absence.

12. **Government Salary Withholding Act**, 50 ILCS 125/0.01 *et seq.*

**Description:** Allows local governmental employers to withhold union dues, insurance premiums, United Fund contributions and credit union deductions from employee paychecks upon written request of the employee, and to pay the amounts withheld to the appropriate recipient.

13. **Local Governmental Employees Political Rights Act**, 50 ILCS 135/10

**Description:** Prohibits local governments from inhibiting any of their employees from exercising their political rights. Prohibits local government employees from: (1) using their position of employment to coerce or inhibit others in the free exercise of their political rights; or (2) engaging in political activities while at work or on duty.

14. **Local Government Employees Benefits Continuation Act**, 50 ILCS 140/1 *et seq.*

**Description:** Provides that any employee of a unit of local government who is mobilized to active duty in a reserve component of the United States Armed Services or the Illinois National Guard shall continue to receive the same regular compensation and benefits, less the amount received for military service, for the duration of such service.

15. **Local Government Travel Expense Control Act**, 50 ILCS 150/1 *et seq.*

**Description:** Requires school districts to adopt a resolution or ordinance to regulate travel, meal, and lodging expenses of officers and employees including: the types of official business for which the expenses are allowable, maximum allowable reimbursements, and a standardized form for submission of expenses. Requires that the expenses of any employee that exceeds the maximum amount allowed be approved by roll call vote in an open meeting. See *supra*, **Boards of Education Section**, page 7, number 17. See *infra*, **Financial Affairs Section**, page 30, number 39.

16. **Counties Code**, 55 ILCS 5/3-9005

**Description:** Requires the State's Attorney to notify the State Superintendent of Education and others when an individual known to possess a certificate or license issued under the School Code is convicted of any certain offenses or other felony conviction.

17. **The Higher Education Student Assistance Act**, 110 ILCS 947/50.

**Description:** Provides that a "qualified student" in the Minority Teachers of Illinois scholarship program includes a student who is already licensed to teach that is participating in a course of study leading to an additional teaching endorsement or a master's degree in an academic field in which he/she is teaching or plans to teach.

18. **Illinois Educational Labor Relations Act**, 115 ILCS 5/1 *et seq.*

**Description:** Allows educational employees the right to organize and choose representatives for collective bargaining, and requires boards of education to bargain with employee organizations in good faith with regard to wages, hours, terms, and conditions of employment and to enter into written collective bargaining agreements. Prohibits bargaining with respect to certain subjects. Sets

up Illinois Educational Labor Relations Board to handle complaints and issues arising under the Act. See *supra*, **Boards of Education Section**, page 8, number 22.

**19. Illinois Insurance Code, 215 ILCS 5/1 et seq.**

**Description:** Comprehensive regulation of insurance system. Requires employers to provide involuntarily unemployed, eligible, former employees with certain benefits. Provides means by which employers are required to insure that funds are available to pay eligible unemployment claims. Section 1801.1 requires employers to report newly hired employees to IDES.

**a. Contraceptive Coverage, 215 ILCS 5/356z.4**

**Description:** Provides that all individual or group policy of accident and health insurance renewed after January 1, 2017 shall provide coverage for all contraceptive drugs, devices, and other products approved by the United States Food and Drug Administration. Except as otherwise provided, the policy shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage provided.

**b. Pre-existing Conditions, 215 ILCS 5/36z.16; 215 ILCS 5/356z.25**

**Description:** Provides that no policy of individual or group accident and health insurance issued, amended, delivered or renewed on or after January 1, 2018 may impose any pre-existing condition exclusion, as defined in the Illinois Health Insurance Portability and Accountability Act, with respect to such plan or coverage.

**c. Continuation or Conversion of Group Health Insurance, 215 ILCS 5/367e and 367e.1**

**Description:** Provides that upon voluntary or involuntary termination, employer must provide employees, who have been covered by a group insurance plan for a specified time prior to termination, the option to continue hospital, surgical and major medical coverage for a specified time for themselves and their dependents at the ex-employee's own expense.

**d. Mental and Emotional Disorders, 215 ILCS 5/370c**

**Description:** Provides that an insurer that provides coverage for medical expenses under a group or individual policy must provide for treatment of serious mental illness and substance use disorders consistent with the Code. Includes certain eating disorders within the definition of "serious mental illness."

**e. Spousal and Dependent Continuation Privileges, 215 ILCS 5/367.2 and 5/367.2-5**

**Description:** Requires insurance policies to provide for the option for spouse and dependents to pay for the insurance and continue the coverage when an employee who meets certain conditions dies, gets divorced, or retires. Provides that employers must provide notice of such option.

**f. Synchronization, 215 ILCS 5/356z.25**

**Description:** Requires school district health insurance policies to include synchronization of prescription drug refills on at least one occasion per insured, per year.

**g. Mammogram Coverage, 215 ILCS 5/356g**

**Description:** Require insurance coverage to include an MRI of breast tissue if a physician determines it is medically necessary.

**20. Illinois Health Insurance Portability and Accountability Act, 215 ILCS 97/1 et seq.**

**Description:** In accordance with federal law, sets forth provisions for portability of coverage. Limits the ability of insurers to deny coverage based on preexisting conditions. Prohibits discrimination by insurers on other bases, such as health status and claims experience. Provides a procedure by which governmental employers who are self-insured may exempt themselves from certain provisions of the Act.

**21. Illinois Athletic Trainers Practice Act, 225 ILCS 5/1 et seq.**

**Description:** Requires athletic trainers to be licensed under the Act. Defines athletic trainer to include those who carry out the practice of prevention/emergency care and/or physical reconditioning of injuries incurred by athletes participating in an athletic program conducted by an educational institution. Creates Illinois Board of Athletic Trainers to conduct the licensing and examination of athletic trainers. Specifies minimum qualifications for licensing. Provides for investigation and hearings by the Illinois Department of Financial and Professional Regulation (IDFPR). Imposes a civil penalty for practicing without a license. This Act is scheduled to sunset on January 1, 2026.

**22. Clinical Psychologist Licensing Act, 225 ILCS 15/1 et seq.**

**Description:** Requires clinical psychologists to be licensed under the Act. Defines "clinical psychology" as the independent evaluation, clas-

sification, diagnosis, and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness. Specifies minimum qualifications for licensing. Provides for investigation and hearings by the Department of Financial and of Regulation. Provides that the Clinical Psychologist Licensing Act will be repealed on January 1, 2027.

**23. Professional Counselor and Clinical Professional Counselor Licensing Act, 225 ILCS 107/**

**Description:** Defines “licensed professional counselor” as a person who holds a license authorizing the practice of professional counseling as defined in this Act. Defines “clinical licensed professional counselor” as a person who holds a license authorizing the independent practice of clinical professional counseling in private practice as defined in this Act. Establishes licensure qualifications and requirements, as well as grounds for discipline. Expressly does not require licensure under this Act or limit the services of a school counselor certified by the State Teacher Certification Board and employed as authorized by the School Code as long as that person is not held out to the public as a “professional counselor” or “clinical professional counselor.”

**24. Illinois Speech Language Pathology and Audiology Practice Act, 225 ILCS 110/1 et seq.**

**Description:** Defines “speech-language pathologist” and “audiologist” as persons who have received a license pursuant to this Act and who engage in the practice of speech-language pathology or audiology, respectively. Establishes licensure qualifications and requirements, as well as grounds for discipline. Allows for the remote practice of speech-language and audiology when specified conditions are met. Exempts from licensure under this Act persons who hold a professional educator license issued under the School Code with a special education endorsement as a teaching speech-language pathologist or with a school support personnel endorsement as a non-teaching speech-language pathologist issued prior to January 1, 2004.

**25. Truth in Health Care Professional Services Act, 225 ILCS 145/1 et seq.**

**Description:** Defines “health care professional” as any person who treats human ailments and is sub-

ject to licensure or regulation by the State, including students and residents. Requires a health care professional providing health care services in this State to conspicuously post and affirmatively communicate his or her specific licensures by: (1) wearing a name tag during all patient encounters that clearly identifies the type of license held (unless precluded by adopted sterilization or isolation protocols), which is of sufficient size and worn in a conspicuous manner so as to be visible and apparent; (2) displaying a writing that clearly identifies the type of license held, which is of sufficient size so as to be visible and apparent to all current and prospective patients; and (3) using only the licensure titles or initials authorized by his or her licensing Act, examination designations required for licensure under his or her licensing Act, or the titles authorized by the professional licensing Act for students in training. It also outlines violations and penalties for those who violate any provision of this Act, which include a finding of unprofessional conduct and disciplinary action under the appropriate provisions of the specific Act governing that health care profession.

**26. The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, 225 ILCS 447/31-10; 225 ILCS 447/31-15**

**Description:** Requires that the fingerprinting equipment and software of each applicant for a fingerprint vendor license meet all specifications required by the IDSP.

**27. Abused and Neglected Child Reporting Act – Employee References, Reports and Training, 325 ILCS 5/1 et seq.**

**a. Abused and Neglected Child Reporting Act, 325 ILCS 5/4, 4.5 and 7.12**

**Description:** A superintendent, upon being requested for a reference concerning an employee or former employee, must disclose to the requesting school district the fact that a district employee has made a report involving the applicant’s conduct or caused a report to be made to the Illinois Department of Children and Family Services (DCFS). Requires deletion of the record of such report if DCFS informs the school district that the allegation was unfounded. Provides that DCFS shall provide written notification of final determinations to the subjects of a report and other persons required to receive notice by regular U.S. mail. Also requires information and technology workers to immediately report depictions of child pornography on electronic and

information equipment to local law enforcement or the National Center for Missing and Exploited Children's Cyber Tipline. School personnel who are mandated reporters required to report child abuse under the School Code must complete mandatory reporter training within one year of initial employment and at least every five years thereafter. See *supra*, **Boards of Education Section**, page 8, number 23 See *infra*, **Students and Parents Section**, page 43, number 12.

**b. Abused and Neglected Child Reporting Act – Employee Due Process**, 325 ILCS 5/4, 4.5 and 7.12

**Description:** Provides additional due process rights to a school employee who is the subject of an investigation regarding abuse or neglect. Such due process rights include: 1) the right to a copy of the investigation summary; 2) the right to review the specific allegations that gave rise to the investigation; and 3) the right to an administrator's teleconference to provide the employee with the opportunity to present documentary evidence or other information before a final finding is entered.

**28. Medical Marijuana Act**, 410 ILCS 130/30(a)(2), (3) and 130/50

**Description:** Creates the Compassionate Use of Medical Cannabis Pilot Program permitting possession and use of cannabis by a "registered qualifying patient" in some circumstances. Possession and use of medical cannabis is prohibited by anyone on school property, in a school bus, or by anyone with a CDL or school bus drivers permit. Employers can enforce their drug free workplace policies, and may discipline any employee, including a "registered qualifying patient" for violating such policy.

**29. The Genetic Information Privacy Act**, 410 ILCS 513/25

**Description:** Prohibits an employer from penalizing an employee who does not disclose his/her genetic information or does not choose to participate in a program requiring disclosure of the employee's genetic information.

**30. The Food Handling Regulation Enforcement Act**, 410 ILCS 625/3

**Description:** Permits any individual who has completed eight hours of IDPH approved training for the food service sanitation manager certification and received a passing score of the examination accredited under the standards developed and

adopted by the Conference for Food Protection to be considered to be a certified food service sanitation manager and a certified food service sanitation manager instructor.

**31. Illinois Pesticide Act**, 415 ILCS 60/1 *et seq.*

**Description:** Provides that an employer of a pesticide applicator may notify the Director of the Illinois Department of Agriculture that the licensee's employment has been terminated. If the notification is provided, the employer shall return to the Director the licensee's pesticide applicator or operator license card and may request that the unused portion of the terminated licensee's pesticide applicator or operator license term be transferred to a newly certified or re-certified individual, and the Director may issue the appropriate pesticide applicator or operator license to the newly certified or re-certified individual with an expiration date equal to the original license after payment of a \$10 transfer fee.

**32. Firearm Concealed Carry Act**, 430 ILCS 66/105

**Description:** Allows for the concealed carry of firearms with specified restrictions. Prohibits concealed carry in "any building, real property, and parking area under the control of a public or private elementary or secondary school." Also states it is the duty of the principal to report to the police when any person is determined to pose a "clear and present danger" (as that term is specifically defined) to himself or others within 24 hours of the determination, and the principal is granted immunity for reporting in accordance with the Act. Allows an individual licensed to carry a concealed firearm under the Act to carry a concealed firearm within a vehicle into a parking area controlled by a school or a district and to store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. See *infra*, **Property and Contracts Section**, page 39, number 27. See *infra*, **Students and Parents Section**, page 45, number 26.

**33. Illinois Vehicle Code**, 625 ILCS 5/1-100 *et seq.*

**a. School Bus License Required for Operation of Charter Bus**, 625 ILCS 5/6-104

**Description:** Provides that no one may drive a bus chartered solely to transport school children between interscholastic or school-sponsored activities without a school bus drivers' license.

b. **School Bus Driver Permit, 625 ILCS 5/6-106.1**

**Description:** Enumerates requirements for issuance of a school bus driver permit, which are generally related to driving ability and record. Requires criminal background checks on applicants for permit. Lists criminal offenses that disqualify a person for school bus driver permit. Requires the Illinois Secretary of State to characterize a permit as inactive when a driver, who is a service member, notifies it that he or she has been called to active duty. Provides that a private carrier employer of a school bus driver permit holder shall be held to a standard of ordinary care for intentional acts committed in the course of employment and expressly denies any limitation of liability for private carrier employers who violate any provision of the Section or who negligently hire or retain a school bus driver permit holder.

c. **School Bus Drivers Deemed to Consent to Chemical Testing, 625 ILCS 5/6-106.1a**

**Description:** School bus drivers are deemed to have given consent to blood, breath, or urine tests to determine the alcohol content of the driver's blood if arrested by a police officer who has probable cause to believe the driver consumed an alcoholic beverage.

d. **Reasonable Suspicion Drug and Alcohol Testing of School Bus Drivers, 625 ILCS 5/6-106.1c**

**Description:** Applicants for an Illinois School Bus Driver Permit must consent, in writing, to have results of reasonable suspicion drug and alcohol testing conducted by their employers released to the Secretary of State in order to obtain a permit. School districts that employ school bus drivers must notify the Secretary of State within 48 hours of receipt of certain test results indicating drug or alcohol use, or of a driver's refusal to be tested.

e. **Commercial Drivers' Licenses, 625 ILCS 5/6-500 et seq.**

**Description:** Requires commercial driver's license for any vehicle weighing over 26,000 pounds or designed to transport 16 or more persons. Prescribes qualifications for commercial drivers' license.

f. **Operating a School Bus While Using a Cell Phone, 625 ILCS 5/12-813.1**

**Description:** Requires a school bus to have either an operating two-way radio or a cellular radio telecommunications device which a school bus driver is in possession of the bus. Makes it a petty

offense for a school bus driver to use a cellular device when the school bus is moving. Using a cell phone in an emergency or when the bus is parked are two of the enumerated exceptions.

g. **Post-Trip Vehicle Inspection, 625 ILCS 5/12-816**

**Description:** Each district must have a policy to ensure that the school bus driver is the last person leaving the bus and that no passenger is left behind.

34. **Jury Duty, 705 ILCS 305/4.1**

**Description:** Requires employers to provide unpaid time off for employees summoned for jury duty. Prohibits retaliation against employee for serving on a jury

35. **Illinois Criminal Code, 720 ILCS 5/1-1 et seq.**

a. **Hazing, 720 ILCS 5/12C-50**

**Description:** Provides that any person who commits hazing is guilty of a Class A misdemeanor or, if the hazing results in death or great bodily harm, a Class 4 felony. Hazing is defined as knowingly requiring the performance of any act by a student or other person in a school, college, university, or other Illinois educational institution, for the purpose of induction or admission into a group, organization, or society associated or connected with the institution if the act is not sanctioned or authorized by that educational institution and the act results in bodily harm to any person. See *infra* **Students and Parents Section**, page 47, number 29. f.

b. **Failure to Report Hazing, 720 ILCS 5/12C-50.1**

**Description:** Makes the failure to report a hazing incident a criminal offense. This occurs when a school official observes an act not sanctioned by the school that results in bodily harm and the school official knowingly fails to report the incident to supervising educational authorities or, if the event results in death or great bodily harm, to law enforcement. The law applies to all paid school administrators, teachers, counselors, support staff, and coaches and any and all volunteer coaches employed by a school, college, university, or other educational institution of the state. Violation of the statute is a Class B misdemeanor, unless the act the person failed to report results in death or great bodily harm, in which case it is a Class A misdemeanor. See *infra* **Students and Parents Section**, page 48, number 29. h.

c. **Criminal Trespass to a Safe School Zone**, 720 ILCS 5/21-5.5

**Description:** Creates criminal offense of “trespass to safe school zone” for employees dismissed for disrupting orderly operation of school, and notified that access to safe school zone has been denied, where the dismissed employee enters or remains in a safe school zone without lawful business.

36. **Employment Protection for Subpoenaed Crime Witnesses**, 725 ILCS 5/115-18

**Description:** Prohibits employers from discharging or otherwise punishing any employee who misses work because he or she is subpoenaed to testify as a witness to a crime.

37. **Notice of Conviction**, 730 ILCS 5/5-5-3(j)

**Description:** When a school employee is convicted of certain drug or sex offenses, requires the Clerk of the Circuit Court to notify the regional superintendent, who must notify the Illinois State Board of Education (ISBE).

38. **Wage Deductions for Benefit of Creditors**, 735 ILCS 5/12-801 through 5/12-819

**Description:** Establishes a creditor’s right to reach a debtor’s wages and the procedures for judgment creditors to garnish an employee’s wages. Provides that the employer must notify the employee of the withholding and must obey the garnishment order. Limits the amount of the garnishment, and creates an avenue for an employee to challenge the garnishment.

39. **Citizen Participation Act**, 735 ILCS 110/1 *et seq.*

**Description:** Protects and encourages public participation in government to the maximum extent permitted by law. Establishes an efficient process for identification and adjudication of “Strategic Lawsuits Against Public Participation” (SLAPPs) and provides for attorney’s fees and costs to prevailing movants. See *supra*, **Boards of Education Section**, page 10, number 32. See *infra*, **Litigation Section**, page 34, number 9

40. **Illinois Civil Rights Act of 2003**, 740 ILCS 23/1 *et seq.*

**Description:** Prohibits State and local government from discriminating based on race, color, national origin, or gender. Victims of discrimination have a civil right of action in state court for intentional

discriminatory conduct and for government policies and actions disparately impacting a protected group. The Act fills a perceived gap in Title VI of the Federal Civil Rights Act which authorizes suit for intentional discrimination only. See *infra*, **Students and Parents Section**, page 49, number 33.

41. **Right to Breastfeed Act**, 740 ILCS 137/1 *et seq.*

**Description:** Allows a mother to breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be.

42. **Illinois Wage Assignment Act**, 740 ILCS 170/01 *et seq.*

**Description:** Prescribes requirements for a valid wage assignment and for a valid demand to a debtor’s employer for such assignment. Also requires notice to the employee in the specified format, and allows an employee to defend against assignment. Sets maximum amounts that can be assigned. Prohibits employers from discharging or suspending any employee because his earnings have been subjected to wage demands. Specifically provides that school employees’ wages are not subject to collection under a wage assignment.

43. **Illinois Whistleblower Act**, 740 ILCS 174/1 *et seq.*

**Description:** Prohibits employers, including school districts, from knowingly taking adverse employment action or retaliating against an employee who discloses information to a government or law enforcement agency in a court, administrative hearing, or before a legislative commission when the employee has a reasonable belief that a violation of State or federal law, rules or regulation occurred.

44. **Employment Record Disclosure Act**, 745 ILCS 46/1 *et seq.*

**Description:** Provides employers with immunity from civil liability for the disclosure of information relating to a current or former employee’s job performance. Limits the immunity to the disclosure of truthful information or information believed, in good faith, to be truthful. Creates a rebuttable presumption of good faith.

45. **Good Samaritan Act,**  
745 ILCS 49/10, 49/12, 4 and 9/67

**Description:** Provides that anyone who is currently Red Cross-certified in first aid and provides first aid in good faith will not be liable to the aided person for civil damages, except for willful and wanton misconduct. Any automated external defibrillator (AED) user who in good faith renders emergency care using an AED in accordance with his or her training will not be liable to the aided person for civil damages, except for willful and wanton misconduct. Any person trained in basic CPR within the standards of the American Red Cross or the American Heart Association and who in good faith provides emergency CPR will not be liable to the aided person for civil damages, except for willful or wanton misconduct.

46. **Illinois Religious Freedom Protection and Civil Union Act, 750 ILCS 75/1 et seq.**

**Description:** Allows for civil unions, defined as a legal relationship between two persons of either the same or opposite sex. In the case of a civil union, persons who have entered into such an agreement must be provided with the obligations, responsibilities, protections, and benefits afforded or recognized by the law of Illinois to spouses.

47. **Religious Freedom and Marriage Fairness Act, 750 ILCS 80/1 et seq.**

**Description:** Provides that all Illinois laws applicable to marriage apply equally to marriages of same-sex or different-sex couples and their children, including all benefits, protections and responsibilities derived from statute, administrative or court rule, policy, or common law. This also pertains to employee benefits. Marriages of same-sex or different-sex couples legally entered into in another jurisdiction are also recognized in Illinois.

48. **Illinois Human Rights Act,**  
775 ILCS 5/1-101 et seq.

**Description:** Prohibits discrimination in employment based on a person's race, color, religion, national origin, ancestry, age, sex, marital status, physical or mental disability, order of protection status, military status, marital status, sexual orientation, unfavorable discharge from military service, real estate transactions, access to financial credit, and the availability of public accommodations, or medical or common conditions related to pregnancy, or childbirth. Prohibits employers from requiring a person to violate a sincerely held

religious belief to obtain or retain employment unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business. Requires establishment and maintenance of written sexual harassment policies. Makes it a civil rights violation for any employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties. Also makes it a civil rights violation for a public employer to refuse to permit an employee who takes time off from work in order to practice his or her religion to engage in work during non-regular working hours to compensate for time lost for such religious reasons. Sets up system for processing of charges of violations of the Act.

49. **Bill of Rights for the Homeless Act,**  
775 ILCS 45/1 et seq.

**Description:** Prohibits employers from discriminating against employees who are homeless due to the employee's lack of permanent mailing address, or having a mailing address being that of a shelter or social service provider.

50. **Religious Freedom Restoration Act,**  
775 ILCS 35/ 1 et seq.

**Description:** Requires that all State and local government have a compelling interest to justify a substantial burden on an individual's free exercise of religion. See *supra*, **Boards of Education Section**, page 10, number 34.

51. **Unemployment Insurance Act – Proof of Receipt, 810 ILCS 405/2208.1**

**Description:** Requires whenever any provision of the Unemployment Insurance Act requires service by certified or registered mail, either a paper return receipt or an electronic return receipt issued by the United States Postal Service shall constitute proof of service. See *infra*, **Litigation Section**, page 35, number 19.

52. **Labor Dispute Act, 820 ILCS 5/1 et seq.**

**Description:** Prohibits Illinois courts from granting a restraining order or an injunction in any case arising out of a dispute concerning terms or conditions of employment. Prohibits injunctions or restraining orders against strikers who are behaving peaceably.

53. **Employment Contract Act,**  
820 ILCS 15/1 *et seq.*

**Description:** Declares any contract or agreement in which a party promises not to join or remain a member of a labor organization, or to withdraw from employment upon joining a labor organization, as void, unenforceable, and against public policy.

54. **Advertisement for Strike Workers Act,** 820 ILCS 25/0.01 *et seq.*

**Description:** Prohibits employers from advertising to hire employees to replace employees who are on strike or locked out, unless the advertisement states that a strike or lockout is in progress.

55. **Employment of Strikebreakers Act,** 820 ILCS 30/0.01 *et seq.*

**Description:** Prohibits the knowing employment of professional strikebreakers in the place of an employee during any strike or lockout. Defines a professional strikebreaker as a person who repeatedly and habitually offers himself for employment on a temporary basis to take the place of an employee during a lockout or a strike.

56. **Employee Arbitration Act,**  
820 ILCS 35/0.01 *et seq.*

**Description:** Allows an employer of not less than 25 employees, or a majority of the employees in a department, to apply to the Illinois Department of Labor (IDOL) when a controversy exists that does not involve questions which may be the subject of a civil action. IDOL will investigate the dispute, hear all interested persons, and make a written, public decision. IDOL has full investigatory powers, including the power to issue subpoenas. IDOL's decision is binding upon all parties who joined in the application for a set amount of time after the decision, or within a specified period after either party provides written notice of their intent not to be bound. Provides that when IDOL learns of a threatened strike or lockout, it shall endeavor to mediate or decide the dispute.

57. **Personnel Record Review Act,**  
820 ILCS 40/0.01 *et seq.*

**Description:** Gives employees the right to inspect their own personnel records upon request. The employer must grant at least two requests per employee per year, and must allow inspection within seven days of the request. An employee may obtain copies of the information in the personnel file. The employee may designate a repre-

sentative to view the records. If there is a dispute over the contents of the record, the employee may attach a written statement to the record. No record of a disciplinary action which is more than four years old can be released, unless such release is ordered to a party in a legal action or arbitration. Records of non-employment activities cannot be kept without the employee's permission. Records of unfounded DCFS investigations must be expunged. Allows an employer that receives a request for certain employee records under FOIA to provide the required written notification to the employee through electronic mail, if available. Expressly prohibits disclosure of employee performance evaluations under FOIA.

58. **Health Insurance Claim Filing Act,**  
820 ILCS 45/0.01 *et seq.*

**Description:** Declares it to be the public policy of Illinois to encourage employers to obtain group health insurance coverage and to encourage employees to exercise their rights under the policy. Prohibits employers from discharging an employee in retaliation for filing a legitimate claim or the use or receipt of medical or health care services under any insurance or other health care arrangement.

59. **Right to Privacy in the Workplace Act,**  
820 ILCS 55/1 *et seq.*

**Description:** Makes it unlawful for an employer to refuse to hire or to discharge or to otherwise discriminate against any individual because the individual uses lawful products off the premises of the employer during non-working hours. Prohibits employers to inquire of any prospective employee or of the prospective employee's previous employers whether the prospective employee has ever filed a claim for benefits under the Works' Compensation Act or Workers' Occupational Diseases Act or received benefits under these Acts. Prohibits employers and prospective employers from: (a) requesting, requiring, or coercing any employee or prospective employee to provide a user name and password to the employee's or prospective employee's personal online account; (b) requesting, requiring, or coercing an employee or applicant to authenticate or access a personal online account in the presence of the employer; (c) requiring or coercing an employee or applicant to invite the employer to join a group affiliated with the employee's or applicant's personal online account; (d) requiring or coercing an employee or applicant to join an online account established by the employer or

add the employer to the employee's or applicant's list of contacts; (e) discharging, disciplining, discriminating against, retaliating against, or otherwise penalizing an employee for refusing to do any of (a)-(d) upon the employer's request; or (f) failing or refusing to hire an applicant who refuses to do any of (a)-(c) upon the employer's request. Permits employers to maintain lawful workplace policies relating to Internet use, social networking site use and electronic mail use in the workplace.

**60. Minimum Wage Law, 820 ILCS 105/1 et seq.**

**Description:** Establishes a minimum hourly wage and declares all contracts or agreements for less than this wage to be void. Prohibits discrimination in wages based on sex or handicap. Provides overtime requirements. Establishes posting and record-keeping requirements. Creates a private right of action for underpayment and allows for collection of attorney's fees.

**61. Equal Pay Act of 2003, 820 ILCS 112/1 et seq.**

**Description:** Prohibits discrimination by an employer on the basis of sex by paying lower wages to someone of the opposite sex than someone doing the same or substantially similar work without a valid, nondiscriminatory reason. Establishes related recordkeeping requirements and fines and penalties for violations. Gives the Director of IDOL the power to enforce the statute.

**62. Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq.**

**Description:** Prescribes pay periods, and time limits, and method of for payment of for wages earned. Requires payment of final wages, including accrued vacation, commissions, benefits or other fringe benefits owed to "separated" employees. Allows for certain common deductions from as employee's wages, such as those required by law or for the benefit of the employee. Administrative regulations implementing the Act also require tracking of employee daily hours worked and notice requirements to employees regarding rates of pay, among other things.

**63. Wages of Women and Minors Act, 820 ILCS 125/1 et seq.**

**Description:** Requires Employers to pay women and minors a fair and reasonable wage sufficient to meet the minimum cost of living. Gives IDOL authority to make regulations and to conduct inspections of work places to determine whether Women and Minors are being paid in accordance

with the Act. Creates a specific hearing procedure and the Wage Board to hear claims of violations of the Act. Imposes a record-keeping requirement on employers and sets out the penalties for substantiated violations.

**64. One Day Rest In Seven Act, 820 ILCS 140/1 et seq.**

**Description:** Requires employers to provide non-exempt employees a minimum amount of rest in every calendar week in addition to the regular period of rest allowed at the close of each working day. Requires employers to permit employees who do not have meal periods established through a collective bargaining agreement, a meal period meeting the requirements in the statute. Requires employers to keep a time book showing the names and addresses of all employees and the hours worked by them on each day.

**65. School Visitation Rights Act, 820 ILCS 147/1 et seq.**

**Description:** Requires employers of 50 or more employees to grant employees unpaid leave of up to a total of eight hours during any school year to attend school conferences or classroom activities related to the employee's child, if the activities cannot be scheduled during non-work hours and the employee has exhausted all accrued vacation, personal and compensatory leave.

**66. Leaves of Absence**

The following State laws grant certain leaves of absence to employees of the State and municipalities. They are not applicable to school districts but some school districts may grant these leaves.

**a. Organ Donor Leave Act, 5 ILCS 327/1 et seq.**

**Description:** Provides time off with pay for State employees who donate an organ, bone marrow, blood, or blood platelets upon meeting certain statutory requirements. Gives the Illinois Department of Central Management Services rulemaking authority to: (1) establish conditions and procedures for requesting and approving leave; and (2) require medical documentation of the proposed organ or bone marrow donation before leave is approved by the employer.

**b. Local Government Disaster Service Volunteer Act, 50 ILCS 122/1 et seq.**

**Description:** Allows certain employers to grant an employee who meets certain statutory requirements leave from his or her work with

pay for not more than 20 working days in any 12 month period to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency, as the case may be, upon the request of the American Red Cross or the Illinois Emergency Management Agency for the services of that employee and upon the employer's approval. The employee will also not lose seniority, pay, vacation time, compensatory time, personal days, sick time, or earned overtime accumulation during the leave.

c. **Civil Air Patrol Leave Act**, 820 ILCS 148/1 *et seq.*

**Description:** Requires employers of 15 or more employees, including the State and units of local government, to grant unpaid leave to its employees who are civil air patrol members performing a civil air patrol mission. Bases the maximum amount of leave on the size of the employee workforce and protects the employee's pre-leave benefits, requires restoration of benefits after the leave and authorizes civil enforcement actions.

d. **Employee Blood Donation Leave Act**, 820 ILCS 149/1 *et seq.*

**Description:** Requires employers of 51 or more employees to grant employees time off with pay to donate blood, no more than one hour every 56 days, if the employee has obtained the employer's approval. Gives the Director of IDOL rule-making authority.

e. **Employee Sick Leave Act**, 820 ILCS 191/1 *et seq.*

**Description:** Provides that an employee may use personal sick leave benefits for absences due to an illness, injury, or medical appointment of the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury.

f. **Child Bereavement Leave Act**, 820 ILCS 154/1 *et seq.*

**Description:** Provides that all employees shall be entitled to use a maximum of 2 weeks (10 work days) of unpaid bereavement leave to (1) attend the funeral or alternative to a funeral of

a child; (2) make arrangements necessitated by the death of the child; or (3) grieve the death of the child. Section 5.875 provides for the creation of the Child Bereavement Fund.

67. **Employee Medical Contribution Act**, 820 ILCS 150/1 *et seq.*

**Description:** Provides that if an employee agrees to let his employer make deductions from his paycheck for a medical service plan, the employer must accept cash payments in lieu of such deduction for a specified period if the employee is unable to earn sufficient wages to cover the deduction amounts, provided the employee does not accept employment elsewhere.

68. **Family Military Leave Act**, 820 ILCS 151/1 *et seq.*

**Description:** Defines family military leave as leave requested by an employee who is a spouse, parent, child or grandparent of a person called to military service lasting longer than the statutorily allowed time with the state or United States. Requires employers of 15-50 employees to provide a certain period of days of unpaid family military leave during the time the deployment orders are in effect and employers of more than 50 employees to provide a certain period of days, subject to various conditions. Reduces the amount of leave by the number of days of leave provided to the employee under provisions of the federal Family and Medical Leave Act of 1993 because of any qualifying exigency arising out of the qualifying family member being on active duty. Protects the position of and benefits accrued to an employee who takes such leave. Creates a related civil right of action against an employer who violates the Act.

69. **Employee Benefit Contribution Act**, 820 ILCS 160/0.01 *et seq.*

**Description:** Provides fines and penalties for employers who make any promise to make payments to any employee benefit plan, and who, with intent to defraud the employees or their beneficiaries, fail to make such payments within the specified period after they become due and payable. Requires notification to the employees when a failure to make payments to a health insurance plan may result in the total loss of insurance coverage.

70. **Personal Service Wage Refund Act, 820 ILCS 165/1 et seq.**

**Description:** Makes it unlawful for any person to request or attempt to induce any employee to return any portion of his wages to his employer when a collective bargaining agreement or contract requires that employees be paid at a stipulated wage. Does not apply to normal payroll deductions such as social security, health insurance, etc.

71. **Earned Income Tax Credit Information Act, 820 ILCS 170/1 et seq.**

**Description:** Requires employers to notify all employees who receive gross wages less than the maximum amount that may qualify for the federal earned income tax credit that they may be eligible for the tax credit and may either apply for the credit on their tax return or receive the credit in advance payments during the year.

72. **Victim's Economic Security and Safety Act, 820 ILCS 180/1 et seq.**

**Description:** Provides that an employee who is a victim of domestic or sexual violence may take unpaid leave from work to address the domestic or sexual violence through various services or medical care. Allows an employer to require certification of the violence and the purpose of the leave. Requires that the employee who takes such leave be allowed to return to his or her position without a loss of benefits. Also requires under some conditions that the employer continue health insurance coverage and that the employer maintain confidentiality. Further prohibits related discriminatory acts by an employer. See *infra*, **Litigation Section**, page 35, number 18.

73. **Child Labor Law, 820 ILCS 205/1 et seq.**

**Description:** Regulates the employment of minors 16 years of age and younger. Minors aged 14 or 15 who are participating in federally funded work experience career education programs under the direction of ISBE are excepted. Contains maximum hour requirements and prohibits the employment of any minor in a hazardous occupation. Requires employers of minors to keep employment certificate on file.

74. **Health and Safety Act, 820 ILCS 225/01 et seq.**

**Description:** Comprehensive regulation of workplace safety and health. Makes it the duty of every public employer to provide reasonable protection to the lives, health, and safety of its employees, and to provide a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm. Requires reporting and record keeping of all workplace deaths and injuries which require medical treatment other than first aid. Adopts federal safety and health standards as rules and gives the Director of IDOL rule-making, public hearing, subpoena, and variance-granting powers. Employees and employers covered by the Health and Safety Act are immune from liability under the Good Samaritan Act, 745 ILCS 49/1 et seq., when they provide free first aid to other employees.

75. **Medical Examination of Employees Act, 820 ILCS 235/0.01 et seq.**

This law could apply to school districts only to the extent they could be considered common carriers.

**Description:** Prohibits employers from requiring an employee or an applicant to pay the cost of a medical examination or the cost of furnishing medical records required by the employer as a condition of employment.

76. **Toxic Substances Disclosure to Employees Act, 820 ILCS 255/1 et seq.**

**Description:** Requires employers to give each employee notice of his or her exposure to toxic substances which pose known and suspected health hazards and which may cause death or serious physical harm to the employee. Adopts federal definition of toxic substances, and allows Director of IDPH after public hearing. Requires the use of Material Safety Data Sheets, and posting of employee rights. Specifies labeling requirements for hazardous materials. Prevents discipline of employees who exercise their rights under the Act.

77. **Nursing Mothers in the Workplace Act, 820 ILCS 260/1 et seq.**

**Description:** Requires employers of more than five employees to provide reasonable unpaid break time each day to employees who need to express breast milk for an infant child, but only if to do so would not unduly disrupt the employer's

operations. Further requires that a private place other than a bathroom stall be provided for such mothers to express milk.

**78. Workplace Violence Prevention Act, 820 ILCS 275/1 *et seq.***

**Description:** Provides that employers may seek an order of protection to prohibit further violence or threats of violence by a person if an employee has suffered unlawful violence or a credible threat of violence and the unlawful violence has been carried out at the employee's place of work or the credible threat of violence can reasonably be constructed to be carried out at the employee's place of work.

**79. Workers' Compensation Act, 820 ILCS 305/1 *et seq.***

**Description:** Requires employers to provide and pay compensation for accidental injuries sustained by an employee arising out of and in the course of employment. Requires employers to maintain insurance (either purchased or self-insured) against claims for such compensation. Lists amounts of compensation to be paid for various injuries and death, and limits employers' liability to these amounts. Establishes a fee schedule for procedures, treatments, or services covered under the Act. Declares certain intentional fraudulent activities involving workers' compensation claims unlawful and creates penalties for fraud.

**80. Workers' Occupational Diseases Act, 820 ILCS 310/1 *et seq.***

**Description:** Similar to the Workers' Compensation Act, but provides compensation for occupational

illnesses and diseases instead of accidental injuries. Requires covered employers to maintain insurance against claims arising out of illnesses and diseases. Adopts compensation amounts from the Workers' Compensation Act.

**81. Unemployment Insurance Act, 820 ILCS 405/100 *et seq.***

**Description:** Comprehensive regulation of unemployment insurance system. Requires employers to provide involuntarily unemployed, eligible, former employees with certain benefits. Provides means by which employers are required to insure that funds are available to pay eligible unemployment claims. Section 1801.1 requires employers to report newly hired employees to IDES.

**82. Substance Abuse Prevention on Public Works Projects Act, 820 ILCS 265/1 *et seq.***

Prohibits employees employed in any public works from using, possessing, distributing, delivering, or being under the influence of drugs or alcohol while performing work on a public works project. Requires an employer to implement a written substance abuse prevention program, including reasonable suspicion testing, before commencing work on a public works project. If an employee tests positive for a drug or refuses to submit to drug/alcohol testing, the employer prohibit the employee from working on a public works project until certain conditions are met. Applies to contracts to perform work on a public works project on or after January 1, 2008. See *infra*, Property and Contracts Section, page 40, number 34.

## FINANCIAL AFFAIRS

1. **Electronic Commerce Security Act, 5 ILCS 175/1-101 et seq.**

**Description:** Provides that records shall not be denied legal effect or validity solely because they are in electronic form. Provides that an electronic record satisfies a rule of law requiring information to be “in writing” or “written,” and requires acceptance of electronic signatures. Sets forth requirements concerning secure electronic records, signatures and certificates.

2. **Identity Protection Act, 5 ILCS 179/1 et seq.**

**Description:** Prohibits – with certain exceptions – school districts from printing, publicly displaying or requiring an individual’s social security number and requires adoption of a policy and training on how to protect social security numbers.

3. **Intergovernmental Cooperation Act, 5 ILCS 220/6**

**Description:** Authorizes intergovernmental self-insurance cooperatives. Requires such cooperatives to file an annual audit and statement of actuarial opinion with the Illinois Department of Insurance. Allows the Department to examine books, accounts and records of such cooperatives and to assess penalties for noncompliance.

4. **Official Bond Act, 5 ILCS 260/0.01 et seq.**

**Description:** Contains provisions relating to enforcement of official bonds (such as treasurer’s bonds).

5. **Responsible Education Funding Law, 15 ILCS 20/50-20**

**Description:** Requires the Governor to, among other things, submit to the General Assembly a proposed budget for elementary and secondary education in which the General Revenue Fund appropriations are no less than the total General Revenue Fund appropriations of the previous fiscal year.

6. **State Comptroller Act, 15 ILCS 405/1 et seq.**

**Description:** Establishes a program for the electronic direct deposit of payments to local school districts, which may be made without the use of the voucher-warrant system. Authorizes the Local Debt Recovery Program under which school districts may enter intergovernmental agreements

with the Comptroller to provide for deductions from obligations owed by the State to third parties for amounts due and payable to school districts. As of Summer 2018, no school districts have been allowed to participate in the Local Debt Recovery Program (yet).

7. **Public Education Affinity Credit Card Act, 15 ILCS 550/1 et seq.**

**Description:** Authorizes the State Treasurer to enter into an agreement with a credit card issuer to issue “affinity credit cards,” whereby a portion of the credit cards’ proceeds are donated to public school districts designated by cardholders.

8. **Illinois Enterprise Zone Act, 20 ILCS 655/1 et seq.**

**Description:** Allows municipalities and counties, subject to the approval of the Illinois Department of Commerce and Economic Affairs, to designate depressed areas as enterprise zones and offer various state and local tax incentives to developers, including property tax abatement.

9. **Illinois Lottery Law, 20 ILCS 1605/1 et seq.**

**Description:** Establishes a lottery to be conducted by the State, the entire net proceeds of which are to be used for the support of the State’s Common School Fund. Beginning with Fiscal Year 2018 and every year thereafter, any moneys transferred from the State Lottery Fund to the Common School Fund shall be supplemental to, and not in lieu of, any other money due to be transferred to the Common School Fund by law or appropriation.

10. **Heartsaver AED Fund, 20 ILCS 2310/2310-371.5**

**Description:** Subject to appropriation, gives the IDPH power to make matching grants from the Heartsaver AED Fund, a special fund created in the State treasury, to any school in the State (and other units of local government) to assist in the purchase of an AED. Requires applicant to demonstrate that it has funds to pay 50% of the cost of the AEDs for which matching grant moneys are sought. Limits any applicants to one grant each fiscal year. See *infra*, **Property and Contracts Section**, page 36, number 1.

**11. Taxpayer Action Boards,**  
20 ILCS 2505/2505-560

**Description:** Creates (through the Illinois Department of Revenue) taxpayer action boards in Cook, DuPage, Kane, Kendall, Lake, McHenry and Will counties to promote “sunshine in assessments” and transparency reforms. Although taxpayer action boards were created by statute in 2010, the Governor’s office still has not taken action to appoint any members of such boards as of Spring 2018.

**12. Illinois Emergency Management Agency Act, 20 ILCS 3305/5**

**Description:** Authorizes the Illinois Emergency Management Agency to make grants to public school districts, cooperatives and other entities for safety and security improvements.

**13. Public Funds Accounting Act,**  
30 ILCS 20/1 *et seq.*

**Description:** Establishes recordkeeping and signature requirements for receipts and disbursements of public funds by officers of public bodies.

**14. Special Funds, 30 ILCS 105/5 *et seq.***

**Description:** Creates a number of special funds, including a number of funds that provide aid to school districts for specific purposes.

**15. Police Training Academy Job Training Program and Scholarship Fund, 30 ILCS 105/5.878, and 105/6z-102**

**Description:** Provides that a school district may seek federal, State, and private funds to support the police training academy job training and scholarship programs established under Section 22-83 of the School Code.

**16. Common School Fund, 30 ILCS 105/8a**

**Description:** Requires transfers from the General Revenue Fund to the Common School Fund (from which school districts receive state aid) and provides the schedule for such transfers.

**17. State Pensions Fund, 30 ILCS 105/8.12**

**Description:** Requires the General Assembly to appropriate money in this fund annually to support designated retirement systems including the State Employees’ Retirement System and the Teachers’ Retirement System.

**18. Public Funds Deposit Act,**  
30 ILCS 225/0.01 *et seq.*

**Description:** Authorizes a school district’s treasurer to deposit public funds in a bank or savings and loan association meeting certain requirements. Requires that funds be invested within a specified number of working days if they are not needed for immediate disbursement. Authorizes the use of security for deposits.

**19. Public Funds Investment Act,**  
30 ILCS 235/0.01 *et seq.*

**Description:** Governs investments of school district funds and requires school boards to develop a written investment policy. Certificates of deposit, governmental securities, commercial paper of private corporations, and interest bearing bank deposits are among the investment vehicles that are permissible for school funds, provided they meet specified standards. Prohibits certain conflicts of interest on the part of treasurers and other officers.

**20. Public Funds in Failed Banks Act,**  
30 ILCS 240/0.01 *et seq.*

**Description:** Immunizes treasurers and custodians of public funds that have been deposited in a bank that has closed or failed, except to the extent that such funds are repaid through the bank’s liquidation.

**21. Bond Authorization Act,**  
30 ILCS 305/1 *et seq.*

**Description:** Establishes the maximum allowable bond interest rate and authorizes various forms of interest rate swaps (derivative transactions relating to interest rates which serve to hedge interest rate risk).

**22. Registered Bond Act, 30 ILCS 310/1 *et seq.***

**Description:** Authorizes public corporations, including school districts, to issue in registered form any bonds they are authorized by law to issue.

**23. Illinois Bond Replacement Act,**  
30 ILCS 315/1 *et seq.*

**Description:** Requires school districts to issue a replacement bond for an unmatured bond that has been lost, destroyed, or defaced when certain criteria are met.

24. **Uniform Facsimile Signature of Public Officials Act**, 30 ILCS 320/1 *et seq.*  
**Description:** Allows public officials to use facsimile signatures on defined financial documents only upon the proper filing of manual signatures with the Secretary of State.
25. **General Obligation Bond Act**, 30 ILCS 330/1 *et seq.*  
**Description:** Authorizes State issuance of bonds to fund various State and local projects.
26. **Local Government Debt Reform Act**, 30 ILCS 350/1 *et seq.*  
**Description:** Provides supplemental authority regarding the issuance and sale of bonds, including alternate, double-barreled, and limited bonds, and provides the procedures for same. Provides supplemental authority for issuance of warrants or notes against anticipated property tax income and state aid. Authorizes treasurers of school districts and other government units to join with treasurers of other government units for purposes of joint investments. Provides authority for installment lease/purchase and sale-leaseback financing.
27. **Bond Issue Notification Act**, 30 ILCS 352/1 *et seq.*  
**Description:** Requires that corporate authorities of districts issuing non-referendum general obligation bonds or limited bonds hold at least one public hearing on the district's intent to issue bonds. Also includes notice requirements, with coordination of notice publication for backdoor referendum bonds. Prohibits corporate authorities from voting on bond ordinances or resolutions for a period of time after the close of the last hearing. Exempts certain issuances and provides an exception for emergencies.
28. **School Construction Bond Act**, 30 ILCS 390/1 *et seq.*  
**Description:** Provides for capital facilities planning assistance. Provides funds to make grants to local school districts for acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities. Provides for the issuance and sale of bonds to finance such planning assistance, acquisitions planning, and installation.
29. **State Finance Act**, 30 ILCS 105/45; **Business Enterprise for Minorities, Females, and Persons with Disabilities Act**, 30 ILCS 575/1 *et seq.*; **Equal Employment Practices of the Illinois Human Rights Act**, 775 ILCS 5/2-105.  
**Description:** When a school district applies for and/or receives grants or loans of state funds in the amount of \$250,000 or more for capital construction costs or professional services, the State Finance Act requires it to certify that it is in compliance with the Business Enterprise for Minorities, Females and Persons with Disabilities Act and the Equal Employment Opportunity provisions of the Illinois Human Rights Act, although case by case exemptions may be obtained. The Business Enterprise Act is scheduled for repeal on June 30, 2020.
30. **State Revenue Sharing Act – Personal Property Replacement Tax Fund**, 30 ILCS 115/12  
**Description:** Authorizes collection and distribution of corporate personal property replacement taxes (CPPRT) by the State of Illinois.
31. **Illinois Grant Funds Recovery Act**, 30 ILCS 705/1 *et seq.*  
**Description:** Requires written grant agreements for all disbursements of grant funds. Provides that no grant funds may be made available for expenditure by the grantee for a period longer than two years except where grant funds are disbursed in reimbursement of costs previously incurred by grantee. Requires that any grant funds not expended or legally obligated by the end of the grant agreement or by the end of the two-year period must be returned to the grantor agency within 45 days. Restricts use of interest on grant funds unless grant agreement provides to the contrary. Creates remedies for misspent or improperly held grant funds.
32. **Grant Accountability and Transparency Act**, 30 ILCS 708/1 *et seq.*  
**Description:** Applies the United States' uniform rules for federally funded grants to all grants, including those entirely funded with state funds. Requires the Governor's Office of Management and Budget to provide uniform training and guidance to agencies and grantees so that they understand and can maintain compliance with the federal rules. Establishes disclosure requirements for grant applications.

33. **Community Youth Employment Act, 30 ILCS 757/1 et seq.**

**Description:** Provides, subject to appropriation, competitive grants to provide up to 5,000 youth with stipends and/or wages for up to a 10-week summer work period.

34. **Use Tax Act Exemption (and Other Sales and Utility Tax Exemptions), 35 ILCS 105/3-5; 35 ILCS 110/3-5; 35 ILCS 115/3-5; 35 ILCS 120/2-5; 35 ILCS 173/5-50; 35 ILCS 615/2a.1; 35 ILCS 620/2a.1**

**Description:** Provides exemption from sales taxes for items purchased by school districts. Also exempts from sales taxes any motor vehicles donated to schools and any personal property purchased at fundraising events for schools. Provides further exemption for personal property purchased by a lessor who leases the property to a school district for a designated period. Also provides exemptions from gas use tax, and gas and electricity “distribution tax.”

35. **Invest in Kids Credit, 35 ILCS 5/224**

**Description:** For taxable years beginning on or after January 1, 2018, and ending before January 1, 2023, provides an income tax credit to individuals and businesses that contribute to qualified Scholarship Granting Organizations (SGOs). The SGOs then provide scholarships for students whose families meet the income requirements to attend qualified, non-public schools in Illinois.

36. **Credit for Instructional Materials, 35 ILCS 5/225**

**Description:** Provides an income tax credit to qualifying teachers, instructors, counselors, principals or aides for instructional materials and supplies purchased for instruction in a qualified school, or \$250, whichever is less.

37. **Property Tax Code, 35 ILCS 200/1-1 et seq.**

**Description:** Provides the major source of local revenue for public schools.

a. **Assessment, 35 ILCS 200/9-145**

**Description:** Provides the process for real property valuation, assessment and equalization for purposes of computing property taxes. Valuation and assessments are performed by the county or township assessor. The assessor’s figures are equalized by the Illinois Department

of Revenue to develop a common level of assessments among counties. The Department equalizes assessments by means of multipliers assigned to each county. The multiplier is applied to all assessments in a county to adjust assessments by a given percentage in order to bring the county level to a specified percentage of fair market value.

b. **Exemptions from Real Estate Taxes, 35 ILCS 200/15-5 et seq.**

**Description:** Exempts school property from real estate taxes. Also creates a number of other exemptions based on ownership and/or use of a particular parcel. Exemptions are subject to application to the county board of review and approval by the Department of Revenue.

c. **Challenges to Property Assessment and Exemptions, 35 ILCS 200/16-55, 16-70, 16-115, 16-130, and 16-180 et seq.**

**Description:** Authorizes school boards to challenge any property assessment by filing a complaint with the county board of review. For taxpayers’ assessment challenges and exemption claims, requires notice to school boards if change in assessed valuation would be \$100,000 or more and authorizes school boards to intervene. Assessment decisions of the county board of review may be appealed to the Property Tax Appeals Board and to the courts with defined procedures.

d. **Filing Budget and Appropriation Resolution, 35 ILCS 200/18-50**

**Description:** Mandates that a certified copy of the budget resolution be filed with the county clerk within a specified time of the adoption of the budget. Failure to file the required documents authorizes the county clerk to refuse to extend the tax levy imposed by the school board until the documents are filed. Note: this does not apply to levies by a School Finance Authority per 35 ILCS 200/18-50.1.

e. **Truth In Taxation Law, 35 ILCS 200/18-55 et seq.**

**Description:** Requires each school board, at least 20 days prior to adoption of its aggregate tax levy, to determine the amount of money estimated to be necessary to be raised by taxation for that year on the taxable property within its district. Requires each school board to disclose by publication, and to hold a public hearing, on its intent to adopt an aggregate levy more than 105% of the prior year’s extension, including

any amount abated by the taxing district before such extension upon the final aggregate levy of the preceding year. Requires newspaper publication and internet posting of any such Truth in Taxation notice.

f. **Additional or Supplemental Extension, 35 ILCS 200/18-112**

**Description:** Requires the county clerk to include a school district's supplemental budget and levy adopted under Section 17-3.2 of the School Code in the extension of taxes for the year.

g. **Abatement of Taxes, 35 ILCS 200/18-165, and 18-170**

**Description:** Allows taxing districts, including school districts, to abate real estate taxes upon a majority vote of the governing board for specific types of property and for any property in enterprise zones.

h. **Property Tax Extension Limitation Law, 35 ILCS 200/18-185 et seq.**

**Description:** Imposes a property tax cap on school districts located in Cook County, a county contiguous to Cook County, and a county that has adopted it by referendum. It limits the aggregate tax rate when the current year's tax extension reaches 105% of the prior year's tax extension or the percentage increase in the Consumer Price Index, whichever is less. Provides for voter approval of new rates, debt service extension bases, limiting rate increases and extension limitation increases. Allows voters, by referendum, to impose up to a 10% reduction in a school district's educational tax extension, except to the extent the reduction would cause the school district's adequacy target to fall below 110%.

i. **Property Taxes – Collected and Distributed, 35 ILCS 200/20-50 et seq. and 200/20-130 et seq.**

**Description:** Provides the schedule for when property taxes are collected and distributed.

j. **Procedures and Adjudication for Tax Objections, 35 ILCS 200/23-5 et seq.**

**Description:** Establishes procedures for the filing of taxpayer complaints, involvement of taxing districts, and judicial resolution of property tax rate objections. Requires refunds with interest of any unlawfully collected taxes.

38. **Illinois Municipal Retirement Fund, Social Security, and Medicare Levies, 40 ILCS 5/7-171, 5/21-110, and 5/21-110.1**

**Description:** Provides authority for property tax levies for Illinois Municipal Retirement Fund, Social Security and Medicare purposes.

39. **Local Government Officer Compensation Act, 50 ILCS 145/1 et seq.**

**Description:** Provides that the compensation of elected officers to be fixed by school districts must be fixed at least 180 days prior to the start of the term of such officers. See *supra*, **Boards of Education Section**, page 7, number 16.

40. **Local Government Travel Expense Control Act, 50 ILCS 150/1 et seq.**

**Description:** Requires school districts to adopt a policy to regulate travel, meal, and lodging expenses of officers and employees including: the types of official business for which the expenses are allowable, maximum allowable reimbursements, and a standardized form for submission of expenses. Requires such expenses of school board members to be approved by a roll call vote in an open meeting. See *supra*, **Boards of Education Section**, page 7, number 17. See *supra*, **Employees Section**, page 14, number 15.

41. **Investment of Municipal Funds Act, 50 ILCS 340/0.01 et seq.**

**Description:** Authorizes a county, park district, sanitary district or other municipal corporation to invest funds in certain tax anticipation warrants.

42. **Local Government Acceptance of Credit Cards Act, 50 ILCS 345/1 et seq.**

**Description:** Allows school districts to accept payment of fines, fees, and other costs by credit card upon authorization by the school board. Further authorizes recoupment of credit card transaction fees imposed upon certain transactions.

43. **Local Government Debt Limitation Act, 50 ILCS 405/0.01 et seq.**

**Description:** Provides that school districts having a population of less than 300,000 shall not become indebted in an amount in the aggregate exceeding 2.875% on the value of the taxable property therein. However, Section 19-1(a) of the School Code provides that school districts shall not be subject to the Local Government Debt Limitation Act.

44. **Local Government Credit Enhancement Act,**  
50 ILCS 410/1 *et seq.*

**Description:** Authorizes school districts, in connection with the issuance of bonds, to enter into agreements to provide additional security or liquidity, or both, for the bonds.

45. **Local Government Defeasance of Debt Law,**  
50 ILCS 415/0.01 *et seq.*

**Description:** Provides that school districts may effect the net defeasance (deposit in escrow of moneys in an amount sufficient, when added to guaranteed interest earnings of such funds, to pay all remaining principal and interest until maturity) or the gross defeasance (deposit in escrow of cash or cash equivalents in an amount sufficient to pay all remaining principal and interest until maturity) of any outstanding debt.

46. **Tax Anticipation Note Act,**  
50 ILCS 420/0.01 *et seq.*

**Description:** Authorizes school boards to issue full faith and credit tax anticipation notes as a means of securing operating funds.

47. **Revenue Anticipation Act,**  
50 ILCS 425/0.01 *et seq.*

**Description:** Authorizes school districts to issue obligations to anticipate revenue from any sources including, but not limited to, federal aid, state revenue sharing, local taxes, and fees.

48. **Local Government Bond Validity Act,**  
50 ILCS 440/0.01 *et seq.*

**Description:** Declares the validity of any bond, interest coupon, or certificate of indebtedness unimpaired although one or more of the officers executing such bond, interest coupon, or certificate of indebtedness ceases to be an officer before the delivery to the purchaser.

49. **Local Government Prompt Payment Act,**  
50 ILCS 505/1 *et seq.*

**Description:** Provides the procedure for the approval and prompt payment of bills from vendors and contractors for goods or services furnished to the district. See *infra*, Property and Contracts Section, page 37, number 12.

50. **County School Facility Occupation Tax Law,**  
55 ILCS 5/5-1006.7

**Description:** Requires the county board of any coun-

ty, other than Cook County, to impose a sales tax up to 1% for school facility purposes, upon referendum approval by the voters. Requires proposition to be submitted to voters upon adoption of resolution(s) by school district boards that represent at least 51% of the student enrollment within the county.

51. **Illinois Municipal Code Zoning Provision,**  
65 ILCS 5/11-13-1

**Description:** Grants municipalities authority to regulate uses of property through zoning ordinances, including the use of school district property. Such ordinances may require school districts to apply for zoning relief for certain school uses and structures.

52. **Tax Increment Allocation Redevelopment Act,** 65 ILCS 5/11-74.4-1 *et seq.*

**Description:** Provides for municipalities to establish TIF districts to finance redevelopment projects that will eradicate blighted areas or prevent areas in danger of becoming blighted from declining further. Provides for limited taxing district participation in establishment of TIF district through joint review board. When a TIF district is created, the equalized assessed valuation of property within the TIF district is frozen at its current valuation insofar as its impact on school district property tax revenue is concerned. As the actual value of the property within the TIF district increases, however, incremental tax revenues are used by the municipality to finance redevelopment project costs. Under this Act, revenue derived from future increases in assessed value may be lost to the school district for a period of years, depending upon provisions of the municipal ordinance creating the tax increment financing district. Provides for some payments to school districts for residential properties developed in TIF.

53. **Industrial Jobs Recovery Law,**  
65 ILCS 5/11-74.6-1 *et seq.*

**Description:** Provides for municipalities to establish TIF districts to finance redevelopment projects that will result in job creation in certain environmentally contaminated areas, industrial park conservation areas, and vacant buildings conservation areas.

54. **Economic Development Project Area Tax Increment Allocation Act of 1995,** 65 ILCS 110/1 *et seq.*

**Description:** Provides for municipalities to establish TIF districts in certain closed military installations.

55. **Grants for School Libraries, 75 ILCS 10/8.4**

**Description:** Mandates the State Librarian to make annual grants to all school districts for the establishment and operation of qualified school libraries. Contains the qualification requirements for grants.

56. **Raffles and Poker Runs Act, 230 ILCS 15/0.01 et seq.**

**Description:** Allows counties and municipalities to establish a system for the licensing of bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations to conduct raffles and poker runs. Educational organizations must have a course of instruction comparable to those in tax-supported schools. Requires a license to be obtained prior to conducting any raffle or poker run.

57. **Pull Tabs and Jar Games Act, 230 ILCS 20/1 et seq.**

**Description:** Forbids pull tabs and jar games without a license from the Illinois Department of Revenue (IDOR). IDOR will not issue a license to any public school district, but may issue a license to a non-profit fundraising foundation.

58. **Bingo License and Tax Act, 230 ILCS 25/1 et seq.**

**Description:** Forbids organizations from conducting bingo without first obtaining a license from the Department of Revenue. The Department of Revenue will not issue a license to any public school district, but may issue a license to a non-profit fundraising foundation.

59. **Charitable Games Act, 230 ILCS 30/1 et seq.**

**Description:** Requires a license from the Department of Revenue and imposes other restrictions on fundraising through charitable games. The Department of Revenue will not issue a license to any public school district, but may issue a license to a non-profit fundraising foundation.

60. **Fines From Automated Traffic Enforcement Systems For School Buses, 625 ILCS 5/11-208.9**

**Description:** Allows schools to install cameras on school buses to record images of vehicles that pass the school bus while engaged in receiving or disembarking students. Requires the municipality and school district to post information regarding this use on their websites. Allows proceeds from

fines resulting from the automated traffic enforcement system to be divided equally between the school district and municipality.

61. **Fines From Speeding In School Zones, 625 ILCS 5/11-605**

**Description:** Provides that, when a fine for speeding in a school zone is \$150 or greater, the violator shall be charged an additional \$50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, \$25 of the surcharge shall be paid to the elementary school district for school safety purposes and \$25 of the surcharge shall be paid to the high school district for school safety purposes.

62. **Criminal Theft of Governmental Property, 720 ILCS 5/15-10 and 5/16-1**

**Description:** Imposes increased penalties for theft of governmental property, which is defined to include school district funds or other property. See *infra*, **Property and Contracts Section**, page 39, number 29. a.

63. **Antitrust Act Provision Protecting School Districts From Antitrust Liability, 740 ILCS 10/11**

**Description:** Exempts the exercise by school districts of powers granted, either expressly or by necessary implication, by Illinois statute or the Illinois Constitution, from the Antitrust Act, which promotes the unhampered growth of commerce and industry throughout the State by prohibiting restraints of trade which are secured through monopolistic or oligarchic practices and which act or tend to act to decrease competition between and among persons engaged in commerce and trade, whether in manufacturing, distribution, financing, and service industries or in related for-profit pursuits.

64. **Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/9-101 et seq.**

**Description:** Authorizes local governments, including school districts, to issue judgment bonds and to levy taxes to pay for liability insurance, judgment bonds, settlements and judgments, and the costs of risk management programs. Restricts use of such funds. Contains provisions regarding indemnification of public employees for acts within the scope of their duties. See *infra*, **Litigation Section**, page 34, number 12.

65. **Not For Profit Corporation Act of 1986,**  
805 ILCS 105/101.01 *et seq.*

**Description:** Establishes requirements for incorporating, operating, and dissolving not-for-profit corporations, including educational foundations.

66. **Collection Fee for Insufficient Fund Checks,**  
810 ILCS 5/3-806

**Description:** Provides the maximum fee that may be charged for returned checks.

## LITIGATION

1. **Freedom of Information Act,**  
5 ILCS 140/11 *et seq.*

**Description:** Any person denied a FOIA request by a public body may file suit in circuit court for injunctive or declaratory relief. If the person prevails, the court must award reasonable attorney's fees and costs. If the court determines that a public body willfully and intentionally failed to comply with the Act or acted in bad faith, the court also must award a civil penalty of \$2,500 to \$5,000. A court may impose an additional penalty of up to \$1,000 for each day the violation continues if: (1) the public body fails to comply with the court's order after 30 days; (2) the court's order is not on appeal or stayed; and (3) the court does not grant the public body additional time to comply with the court's order to disclose public records. In addition, a person whose FOIA request is denied may file a request for review with the Illinois Public Access Counselor (PAC) within 60 days.

2. **Open Meetings Act,** 5 ILCS 120/3 *et seq.*

**Description:** A person may bring a civil action in circuit court within 60 days of a meeting alleged to be in violation of the Act, or within 60 days of the discovery of the violation by the State's Attorney. A person also may file a request for review with the Attorney General's PAC within 60 days of the alleged violation. If a person files a request for review with the Attorney General, that person may bring a civil action in circuit court within 60 days of the Attorney General's decision to resolve the dispute by means other than a binding opinion. The circuit court may grant any relief it deems appropriate, including requiring a meeting be open to the public, granting an injunction against future violations, ordering the public body to make the minutes public, or declaring an action in violation of the Act null and void. In addition, a circuit court may grant reasonable attorney's fees and costs.

3. **Youth Mental Health Protection Act,**  
405 ILCS 48/1, *et seq.*

**Description:** Permits sanctions for any mental health provider, including but not limited to a school psychologist as defined in the School Code, a clinical social worker or social worker licensed under the Clinical Social Work and Social Work Practice Act, and a professional counselor or clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, who engages in any sexual orientation change efforts attempted on a person under the age of 18. See *infra*, **Students and Parents Section**, page 44, number 17.

4. **School Bus Insurance,** 625 ILCS 5/12-707.01

**Description:** Establishes that the minimum \$2,000,000 liability insurance required for a vehicle used for a purpose that requires a school bus driver permit may be satisfied by either a \$2,000,000 combined single limit primary commercial automobile policy, or a \$1,000,000 primary commercial automobile policy and a minimum \$5,000,000 excess or umbrella liability policy.

5. **Hate Crimes Protections,** 720 ILCS 5/12-7.1; 720 ILCS 5/21-1.2; 730 ILCS 5/5-5-3.2

**Description:** Expands the offense of institutional vandalism through infliction of damage to schools and educational facilities, among other locations, or grounds adjacent to, and owned or rented by an above-designated place, to include as a basis the actual or perceived sexual orientation of another person or group under the Criminal Code of 2012 and the Unified Code of Corrections. Additionally, gives "sexual orientation" the meaning ascribed to it in the Illinois Human Rights Act (rather than heterosexuality, homosexuality, or bisexuality) in the hate crime statute, the institutional vandalism statute, and the statute concerning aggravating factors in sentencing.

6. **Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/3**

**Description:** Establishes that unless otherwise expressly provided for in the Act, records and communications made or created in the course of providing mental health or developmental disabilities services shall be protected from disclosure regardless of whether the records and communications are made or created in the course of a therapeutic relationship. See *infra*, **Students and Parents Section**, page 49, number 34.

7. **Statute of Limitations for Claims Based on Construction Design and Supervision, 735 ILCS 5/13-214**

**Description:** Establishes statute of limitations for claims brought against any persons, business or legal entity, including school districts, for personal injury or contract claims based on acts or omissions in the design, planning, supervision, management of construction, or construction or improvement of real property. Generally, claims must be commenced within four years of the time the person bringing the action knew or should have known of the act or omission, or ten years from the time of such act or omission. However, the ten-year statute of limitation does not apply to such claims, resulting from the discharge of asbestos into the environment.

8. **Recovery of Fraudulently Obtained Public Funds, 735 ILCS 5/20-101 et seq.**

**Description:** Permits school districts to recover any compensation, benefits, or other remuneration received by any person by means of a false or fraudulent record, statement, claim or other willful misrepresentation including interest and penalties up to three times the amount of such fraudulently obtained funds.

9. **Citizen Participation Act, 735 ILCS 110/1 et seq.**

**Description:** Protects and encourages public participation in government to the maximum extent permitted by law. Establishes an efficient process for identification and adjudication of “Strategic Lawsuits Against Public Participation” (SLAPPs) and provides for attorney’s fees and costs to prevailing movants. See *supra*, **Boards of Education Section**, page 10, number 32. See *supra*, **Employees Section**, page 19, number 39.

10. **Parental Responsibility Law, 740 ILCS 115/1 et seq.**

**Description:** Makes the parent or legal guardian of an unemancipated minor who resides with the parent or legal guardian liable for actual damages for the willful or malicious acts of the minor that cause injury to a person or property. The parent or legal guardian may be liable for actual damages up to \$20,000 for the first act or occurrence of such willful or malicious acts by the minor causing injury or up to \$30,000 if a pattern or practice of willful or malicious acts by a minor exists for a separate act or occurrence. If the plaintiff is a governmental unit, the plaintiff may be awarded reasonable attorney’s fees up to \$15,000. See *infra*, **Students and Parents Section**, page 50, number 35.

11. **False Claims Act, 740 ILCS 175/1 et seq.**

**Description:** Allows school districts to recover damages from individuals who make false claims against the school district.

12. **Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 et seq.**

**Description:** Grants immunities and defenses to local public entities, including school districts, and public employees from liability arising from the operation of government. Prohibits liability of a local public entity for punitive or exemplary damages. Denies liability of a local public entity for a number of things, including failure to inspect property, negligent inspection of property, oral misrepresentation, libel and slander, or negligent misrepresentation by computer or other electronic transmission. Further, the Act, in some instances, protects a local public entity and its employees against claims alleging a failure to supervise an activity on public property. Protects public employees from liability for acts or injuries resulting from an exercise of discretion, even if such discretion is abused. Denies liability for injuries based on a condition of any public property intended or permitted to be used for recreational purposes, unless the local public entity or public employee is guilty of willful and wanton conduct proximately causing such injury. Adopts a one-year statute of limitations for any action for any injury against a local public entity. See *supra*, **Financial Affairs Section**, page 32, number 64.

**13. Indemnification of Public Employees,**  
745 ILCS 10/2-302

**Description:** Amends the Local Governmental and Governmental Tort Immunity Act to prohibit a local public entity from providing representation for any of its employees who are defendants in a criminal proceeding arising out of or incidental to the performance of that employee's duties. The amendment does, however, permit a local public entity to reimburse the employee for reasonable defense costs if: (1) the criminal proceeding was initiated against the employee based upon an act or omission of the employee arising out of and directly related to the lawful exercise of his or her official duty or under color of his or her final authority; and (2) the criminal proceeding is dismissed or results in a final disposition in favor of that employee. The reimbursement may be justifiably refused if a current insurance policy or previous contract entitles an employee to a defense.

**14. Checks or Drafts Not Honored Upon Presentment – Liability of Drawer,**  
810 ILCS 5/3-806

**Description:** Allows for collection of all costs and expenses, including reasonable attorney's fees and interest, incurred in the collection of a dishonored check. Requires written demand for payment by certified mail prior to action for collection.

**15. Personal Information Protection Act,**  
815 ILCS 530/1 *et seq.*

**Description:** Obligates "data collectors," including school districts, to notify Illinois residents when their "personal information" has been breached. Creates a significant expansion of what is considered a breach of "personal information" and includes breaches of health insurance information, medical information, unique biometric data, and online account information. Adds requirements concerning notices to be issued to disclose a breach of security and provides that notice of a breach of security must be provided to the Attorney General in some instances. See *supra*, **Board of Education Section**, page 10, number 35. See *infra*, **Students and Parents Section**, page 51, number 41.

**16. Right to Privacy in the Workplace Act,**  
820 ILCS 55/10

**Description:** Prohibits an employer or prospective employer from requiring an employee to access a personal online account in an employer's presence, invite the employer to join an online group affiliated with a personal account, or join an online account established by the employer. Further, the Act prohibits an employer from requiring that an employee disclose their username(s) and/or password(s) for personal online accounts.

**17. Illinois Freedom to Work Act,**  
820 ILCS 90/1 *et seq.*

**Description:** Prohibits non-compete agreements with "low wage employees," which the Act defines as an employee who earns the greater of (1) the hourly rate equal to the minimum wage required by applicable federal, state, or local minimum wage laws; or (2) \$13.00 per hour.

**18. Victims' Economic Security and Safety Act,**  
820 ILCS 180/1 *et seq.*

**Description:** Extends the Victims' Economic Security and Safety Act to all employers and provides 4 to 12 weeks (depending on the size of the employer) of unpaid leave for employees who are victims of domestic or sexual violence or for employees who have a family or household member who is a victim of domestic or sexual violence. See *supra*, **Employees Section**, page 24, number 72.

**19. Unemployment Insurance Act – Proof of Receipt,** 820 ILCS 405/2208.1

**Description:** Whenever any provision of the Unemployment Insurance Act requires service by certified or registered mail, either a paper return receipt or an electronic return receipt issued by the United States Postal Service shall constitute proof of service. See *supra*, **Employees Section**, page 20, number 51.

## PROPERTY AND CONTRACTS

1. **Heartsaver AED Fund, 20 ILCS 2310/2310-371.5**  
**Description:** Subject to appropriation, gives the IDPH power to make matching grants from the Heartsaver AED Fund, a special fund created in the State treasury, to any school in the State (and other units of local government) to assist in the purchase of an AED. Requires applicant to demonstrate that it has funds to pay 50% of the cost of the AEDs for which matching grant moneys are sought. Limits any applicants to one grant each fiscal year. See *supra*, **Financial Affairs Section**, page 26, number 10.
2. **Green Buildings Act, 20 ILCS 3130/1 et seq.**  
**Description:** Requires that State-funded building construction and major renovations of existing State-owned facilities are required to meet certain Leadership in Energy and Environmental Design (LEED) building rating standards, the Green Globes' (The Green Building Initiative) green building construction model or equivalent certification. The Act provides for a waiver in the event the standards create an unreasonable financial burden, an unreasonable impediment to construction, impairment of the principal function of the building, or compromise the historic nature of the structure.
3. **Contracts for Food Donations (Illinois Procurement Code), 30 ILCS 500/55-20**  
**Description:** Prohibits school districts from entering into a contract to purchase food with a bidder or offeror if the bidder's or offeror's contract terms prohibit the public entity from donating food to food banks, including, but not limited to, homeless shelters, food pantries, and soup kitchens.
4. **Governmental Joint Purchasing Act, 30 ILCS 525/1 et seq.**  
**Description:** Allows any governmental entity to purchase personal property, supplies, and services jointly with one or more other governmental entities.
5. **Public Construction Bond Act, 30 ILCS 550/0.01 et seq.**  
**Description:** Requires every contractor for public work to furnish a bond to the school district, in an amount fixed by the board, for the completion of the contract, for the payment of material used in such work, and for all labor performed.
6. **Steel Products Procurements Act, 30 ILCS 565/1 et seq.**  
**Description:** The Act requires school districts to include in all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of public works a provision that steel products used or supplied in the performance of such contracts or any subcontracts related thereto be manufactured or produced in the United States. The Act provided exceptions to this rule for contracts involving less than \$500 and when using domestic steel products would increase the cost of the contract by more than 10%, when there are insufficient quantities of domestic steel available or when the use of domestic steel is otherwise not in the public interest. The Act establishes penalties against contractors who contract in knowing violation of the Act and provides that the Illinois Attorney General may prosecute an action to enforce the Act. Enforceability of this Act in light of current treaties should be reviewed.
7. **Employment of Illinois Workers on Public Works Act, 30 ILCS 570/0.01 et seq.**  
**Description:** Requires employers to employ only Illinois laborers during periods of excessive unemployment in Illinois. Also requires the following contractual provision: "Provided, that other laborers may be used when Illinois laborers as defined in this Act are not available, or are incapable of performing the particular type of work involved, if so certified by the contractor and approved by the contracting officer." Provides that those who knowingly fail to use Illinois laborers as required in the Act shall be guilty of a Class C misdemeanor.
8. **Drug-Free Workplace Act, 30 ILCS 580/1 et seq.**  
**Description:** No grantee or contractor shall receive a grant or contract from a school district unless that grantee or contractor certifies to the district that it will provide a drug-free workplace. Contains the specific requirements for a "drug-free workplace."
9. **Local Food, Farms and Food Products Act, 30 ILCS 595/1 et seq.; 20 ILCS 205/205-45, and 205/205-46**  
**Description:** Encourages all entities funded by State dollars to purchase at least 10% of its food

purchased from local farm or food producer and creates a Local Food, Farms and Jobs council to facilitate the growth of Illinois-based local farm and food products.

**10. Property Tax Code, 35 ILCS 200/1 et seq.**

**a. Wooded Acreage Assessment Transition, 35 ILCS 200/10-505**

**Description:** Clarifies that “wooded acreage” means any parcel of unimproved real property that can be defined as “woodlands” by the United States Department of the Interior Bureau of Land Management.

**b. Property Tax Correction, 35 ILCS 200/16-55**

**Description:** Addresses correction of apportionment of taxes for a taxing district in two or more counties. Requires the Illinois Department of Revenue (IDR) to notify the county clerk and county treasurer if it determines that an over-apportionment (exceeding 105% of appropriate amount) has occurred. Allows the county treasurer, in his/her sole discretion, to issue a refund of an over-apportioned property tax levy amount if the notification is made prior to the due date of the final installment of property tax payments.

**c. Property Tax Correction, 35 ILCS 200/18-156**

**Description:** Addresses correction of apportionment of taxes for a taxing district in two or more counties. Requires IDR to notify the county clerk and county treasurer if it determines that an over-apportionment (exceeding 105% of appropriate amount) has occurred. Allows the county treasurer, in his/her sole discretion, to issue a refund of an over-apportioned property tax levy amount if the notification is made prior to the due date of the final installment of property tax payments.

**d. Property Tax Appeal Board, 35 ILCS 200/16-180; 35 ILCS 200/16-185**

**Description:** Provides that the Property Tax Appeal Board shall establish by rules an informal procedure for the determination of the assessment of property that is the subject of an appeal procedure. An entity’s appeal of the correct assessment of its property may be sent by electronic means to the Board. States that a decision shall be made by the Board in each appeal, which shall be binding upon the appellant and officials of government. The final administrative decision of the Board shall be deemed served on a party when a copy of the decision is: (1) deposited in the United States

Mail, in a sealed package, with postage prepaid, addressed to that party at the address listed for that party in the pleadings, or (2) sent electronically to the party at the e-mail addresses provided for that party in the pleadings. Provides that if the Board renders a decision lowering the assessment of a particular parcel after the deadline or the adjournment of the session for filing complaints with the board of review or board of appeals, then the taxpayer may appeal the assessment directly to the Board.

**e. Property Tax Abatement, 35 ILCS 200/21-95.**

**Description:** Provides that a property tax abatement is available to a school district that acquires property through a blight reduction or abandoned property program administered by the Illinois Housing Development Authority.

**11. Public Officer Prohibited Activities Act, 50 ILCS 105/0.01 et seq.**

**Description:** Regulates holding of multiple governmental offices. Prohibits any elected or appointed office holder from being in any manner interested, either directly or indirectly, in any contract or the performance of any work in the making or letting of which the officer may be called upon to act or vote. Prohibits officers from receiving bribes or gifts to influence their official actions. Allows officeholders to be interested in some small contracts under specified circumstances. Should be read in conjunction with Section 10-9 of the School Code (105 ILCS 5/10-9). See *supra*, **Boards of Education Section**, page 6, number 14.

**12. Local Government Prompt Payment Act, 50 ILCS 505/1 et seq.**

**Description:** Provides that a school district must approve or disapprove a bill submitted for payment within the designated time periods, and payment must be made within a certain period after receiving approval. Failure to make a timely payment carries a specific interest penalty. See *supra*, **Financial Affairs Section**, page 31, number 49.

**13. Local Government Professional Services Selection Act, 50 ILCS 510/0.01 et seq.**

**Description:** Provides the procedure for school boards to procure architectural, engineering, or land surveying services on the basis of demonstrated competence and qualifications.

14. **Soybean Ink Act, 50 ILCS 520/1 et seq.**

**Description:** Contractors must use soybean ink when providing printing services to school districts, unless the district determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.

15. **Public Works Contract Change Order Act, 50 ILCS 525/1 et seq.**

**Description:** Requires rebidding portions of public works contracts covered by a change order if the change order is entered into by a school district, is not procured in accordance with the Illinois Procurement Code and the State Finance Act, and authorizes or necessitates a change in the contract or subcontract price of at least 50%.

16. **Local Government Property Transfer Act, 50 ILCS 605/0.01 et seq.**

**Description:** Allows school districts and other governmental entities to transfer adjacent territory under certain circumstances. Specifies procedure for transfer. Also allows leasing of property and transfer of property to the State.

17. **Annexation – Real Estate Owned By School Districts, 65 ILCS 5/7-1-14**

**Description:** Provides procedure for annexation by a municipality of real estate owned by a school district which is situated in unincorporated territory adjacent to the municipality.

18. **Schools – Annexed Territory in Certain Cities Under Special Charter – Taxation, 65 ILCS 5/8-3-12**

**Description:** Allows a municipality having a population of less than 20,000 which is operating under a special act and whose public schools within its corporate limits are governed by this special act, to annex territory for school purposes upon a petition signed by a majority of the electors in the territory. Provides that said territory will be detached from any school district which it was previously a part of. Allows city to levy and collect taxes for school purposes in the annexed territory.

19. **Adult Advertising, 65 ILCS 5/11-80-15**

**Description:** Permits municipalities to regulate the character, and control the location of, adult advertising placed on billboards and signs that are within 1,000 feet of school property.

20. **Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/1 et seq.**

**Description:** Requires physical fitness facilities to adopt and implement a written plan for responding to medical emergencies occurring at the facility. Contains requirements for the placement of AEDs and the training of anticipated users.

21. **Structural Pest Control Act, 225 ILCS 235/1 et seq.**

**Description:** Establishes guidelines for an integrated pest management program for school buildings and other school facilities.

22. **Retail Sales Near Churches, Schools, etc. (Liquor Control Act of 1934), 235 ILCS 5/6-11**

**Description:** Prohibits issuance of license for the sale of alcoholic liquor within 100 feet of any school.

23. **Smoke Free Illinois Act, 410 ILCS 82/1 et seq.**

**Description:** Prohibits smoking in a “public place” (specifically including “schools”), any place of employment, or within 15 feet of any entrance to a public place.

24. **Indoor Air Quality Act, 410 ILCS 87/1 et seq.**

**Description:** Establishes the Indoor Air Pollution Advisory Council, which has the duty of establishing criteria for indoor air quality, including ventilation standards, source control guidelines, occupancy control guidelines, and air cleaning procedures.

25. **Hazardous Waste Collection (Environmental Protection Act), 415 ILCS 5/22.47**

**Description:** Requires the Illinois Environmental Protection Agency to develop, implement, and fund a program to collect school district hazardous educational waste and to provide for hazardous waste management and pick-up in accordance with statutory timelines. Allows school districts to participate by notifying the agency of the presence of hazardous waste and requires the agency to produce a collection schedule as required by statute.

**26. Lawn Care Products Application and Notice Act, 415 ILCS 65/1 et seq.**

**Description:** Requires schools to maintain a registry of parents, guardians, or school employees who have registered to receive notification prior to the application of pesticides to school property.

**27. Firearm Concealed Carry Act, 430 ILCS 66/1 et seq.**

**Description:** Allows for the concealed carry of firearms with specified restrictions. Prohibits concealed carry in “any building, real property, and parking area under the control of a public or private elementary or secondary school.” Also contains a provision that states it is the duty of the principal to report to the police when any person is determined to pose a clear and present danger to himself or others within 24 hours of the determination. Allows an individual licensed to carry a concealed firearm under the Act to carry a concealed firearm within a vehicle into a parking area controlled by a school or district and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. See *supra*, **Employees Section**, page 17, number 32. See *infra*, **Students and Parents Section**, page 45, number 26.

**28. Illinois Vehicle Code, 625 ILCS 5/1-100 et seq.**

**a. Powers of Municipalities and Counties For Regulation of Traffic, 65 ILCS 5/11-209**

**Description:** Allows municipalities and counties to contract with school districts to regulate parking and traffic in school parking areas.

**b. Approaching, Overtaking, and Passing School Bus, 625 ILCS 5/11-1414**

**Description:** Requires that drivers shall stop their vehicles before meeting or overtaking, from either direction, any school bus, stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils.

**c. Transportation of Students, 625 ILCS 5/11-1415**

**Description:** Requires that students be picked up or unloaded only on right side of highway. Provides that school bus routes shall be arranged so no child be required to cross a highway of four or more lanes, unless escorted by designated crossing guards.

**d. Special Requirements for School Buses, 625 ILCS 5/12-800 et seq.**

**Description:** Contains specific requirements for school buses, e.g., color, identification, lighting, crossing control arm, fire extinguisher, first aid kit, post-trip inspection, complaint calls, etc.

**e. Safety Test Prior to Application of License – Subsequent Tests – Repairs – Retest, 625 ILCS 5/13-109**

**Description:** Requires safety tests of school buses every six months or 10,000 miles, whichever occurs sooner. Provides for periodic, non-scheduled inspection of school buses.

**29. Illinois Criminal Code, 720 ILCS 5/1-1 et seq.**

**a. Criminal Theft of Governmental Property, 720 ILCS 5/15-10, 720 ILCS 5/16-1**

**Description:** Imposes increased penalties for theft of governmental property, which is defined to include school district funds or other property. See *supra*, **Financial Affairs Section**, page 32, number 62.

**b. Distributing or Delivering Written or Printed Solicitation on School Property, 720 ILCS 5/21.3-5**

**Description:** Makes it a Class C misdemeanor to distribute or deliver written or printed solicitation within 1000 feet of school property for the purpose of inviting students to any event where a purpose of the event is to commit illegal acts or to gather in or around abandoned buildings.

**c. Criminal Damage to Government Property, 720 ILCS 5/21-4**

**Description:** Defines the offense of Criminal Damage to Government Supported Property, which includes damaging property supported by school district funds, starting a fire on such property, or depositing a stink bomb or other offensive smelling compound on the property to interfere with its use.

**d. Unlawful Sale or Delivery of Firearms on the Premises of Any School, 720 ILCS 5/24-3.3**

**Description:** Makes it a Class 3 felony for any person over 18 years of age to sell, deliver, or give any firearm to any person under 18 years of age in school or on school property.

**e. Interference with Public Contracting, 720 ILCS 5/33E-1, et seq.**

**Description:** Makes it a crime to obtain contracts for goods, services, or construction by

any means other than through independent non-collusive submission of bids or offers by individual contractors or suppliers, and the evaluation of those bids or offers by the school board pursuant only to criteria publicly announced in advance. Outlines several offenses with felony penalties. Governs process for change orders applying to public contracts. Provides criminal penalty for any representative of a public body to authorize a change order exceeding \$10,000 without public action by the public body.

**30. Construction Contract Indemnification for Negligence Act, 740 ILCS 35/0.01 et seq.**

**Description:** Voids all covenants, promises or agreements to indemnify or hold harmless another person from that person's own negligence in contracts or agreements, either public or private, for the construction, alteration, repair or maintenance of a building, structure, highway bridge, viaducts or other work dealing with construction, or for any moving, demolition or excavation. Such portions of an agreement are against public policy and wholly unenforceable.

**31. Baseball Facility Liability Act, 745 ILCS 38/1 et seq.**

**Description:** The owner or operator of a baseball facility shall not be liable for any injury to the person or property of any person as a result of that person being hit by a ball or bat unless: (1) the person is situated behind a screen, backstop, or similar device at a baseball facility and the screen, backstop, or similar device is defective (in a manner other than in width or height) because of the negligence of the owner or operator of the baseball facility, or (2) the injury is caused by willful and wanton conduct, in connection with the game of baseball, of the owner or operator or any baseball player, coach or manager employed by the owner or operator.

**32. Mechanics Lien Act, 770 ILCS 60/23**

**Description:** Grants a lien against public funds to any person furnishing material or labor to a school district for the value of the amount due under the contract.

**33. Prevailing Wage Act, 820 ILCS 130/0.01 et seq.**

**Description:** Requires that the generally prevailing rate of hourly wages for work of a similar character on public works in the locality in which the work is performed be paid to all laborers, workers,

and mechanics employed by or on behalf of any public body engaged in the construction of public works. Requires a public body awarding any contract for public work to ascertain the generally prevailing hourly rate in the locality for each type of worker needed to execute the contract, and to specify this rate in the call for bids and project specifications and the contract. Requires bond that contractor will comply with prevailing wage clause of contract. Requires contractor and all subcontractors to keep records of all wages paid for public works. Prohibits institution of public works projects unless the Act is complied with. Requires that annually during the month of June, the public body ascertain the prevailing rate of wages and publicly post or keep it available for inspection in the main office of the public body. By July 15, the public body must file a certified copy of its prevailing wage with the Illinois Department of Labor. 30 days after filing, the public body must publish a notice of its prevailing wage determination in a newspaper of general circulation and must mail a copy to any employer, association of employers, and any person or association of employees who have requested such. Prohibits employment discrimination against "whistle blowers." Holds public bodies financially responsible for interest, penalties or fines assessed for their failure to provide proper written notification to a contractor that a project is subject to the Prevailing Wage Act.

**34. Substance Abuse Prevention on Public Works Projects Act, 820 ILCS 265/1 et seq.**

**Description:** Prohibits employees employed in any public works from using, possessing, distributing, delivering, or being under the influence of drugs or alcohol while performing work on a public works project. Requires an employer to implement a written substance abuse prevention program, including reasonable suspicion testing, before commencing work on a public works project. If an employee tests positive for a drug or refuses to submit to drug/alcohol testing, the employer prohibit the employee from working on a public works project until certain conditions are met. Applies to contracts to perform work on a public works project on or after January 1, 2008. See *supra*, **Employees Section**, page 25, number 82.

## STUDENTS AND PARENTS

1. **Custody Relinquishment Prevention Act,**  
20 ILCS 540/1 *et seq.*

**Description:** Provides that in order to intercept and divert children and youth at risk of custody relinquishment to the Illinois Department of Children and Family Services (DCFS), agencies, including DCFS, the Illinois Department of Human Services, the Illinois Department of Healthcare and Family Services, the Illinois State Board of Education (ISBE), the Illinois Department of Juvenile Justice, and the Illinois Department of Public Health (IDPH) are required to enter into an interagency agreement for the purpose of preventing children and youth who are not otherwise abused or neglected from entering the custody or guardianship of DCFS solely for purposes of receiving services for a mental illness or serious emotional disturbances.

2. **Transition Services,**  
20 ILCS 505/5; 20 ILCS 1705/11.3

**Description:** Allows a child with a disability who receives residential and educational services from either DCFS or the Illinois Department of Mental Health and Developmental Disabilities to receive transition services in accordance with Article 14 of the School Code, notwithstanding the child's residential services agreement.

3. **Immunization Outreach Program,**  
20 ILCS 2310/2310-255

**Description:** Establishes program to provide immunizations to disadvantaged children. Provides for immunization sites, which can include school grounds, either during regular hours, evening hours, or on weekends.

4. **Illinois Municipal Code – Truancy,**  
65 ILCS 5/11-5-9

**Description:** Allows school districts to disclose school attendance records to municipal authorities serving as juvenile authorities if the school district determines that the disclosure will enhance the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are released. School district disclosure is only permitted if the juvenile authority certifies in writing that the information will not be disclosed without the prior written consent of a parent to any other party.

5. **Students Online Personal Protection Act,**  
105 ILCS 85/1 *et seq.*

**Description:** Intended to ensure that student data is protected when collected by educational technology companies and that the data may be used for beneficial purposes, the Act imposes specific duties and prohibitions on operators of an Internet website, online service, online application, or mobile application primarily used for K-12 school purposes. Violations of the Act are subject to enforcement action by the Illinois Attorney General under the Consumer Fraud and Deceptive Business Practices Act.

6. **College Planning Act, 110 ILCS 17/1 *et seq.***

**Description:** Establishes the College Planning Program. The Program's purpose is to: (1) reduce the number of students who withdraw from high school before graduation, (2) reduce the number of students who fail to begin planning for a post-secondary educational path upon entering high school, (3) increase the number of high school students who are prepared to enter postsecondary educational institutions in the State upon graduation, (4) increase the number of students attaining a quality postsecondary credential within six years after graduation from high school, (5) assist the State in meeting the workforce needs of the future, encourage students to attend postsecondary educational institutions in the State, (6) by increasing awareness of the need-based, financial aid programs available to State residents attending postsecondary educational institutions in the State, (7) increase timely financial aid application rates among students from the lowest economic quintiles in the State; proactively counsel potential college students to make the most efficient and effective use of need-based, grant funding distributed under the Monetary Award Program under Section 35 of the Higher Education Student Assistance Act (110 ILCS 947/35), and (8) intervene beginning in 8th grade to aggressively promote postsecondary education as a positive alternative to less socially and economically desirable behaviors and options that young students may consider instead of college preparation.

7. **Credit for Prior Learning Act, 110 ILCS 160/1 et seq.**

**Description:** Requires public universities to submit policies concerning credit for prior learning to the Illinois Board of Higher Education (IBHE), and requires the IBHE to adopt rules to permit public universities to award credit.

8. **DREAM Fund Commission Act, 110 ILCS 947/67**

**Description:** Provides that professional development activities services for school service personnel must address the needs of students who are children of immigrants, including if personnel are employed as counselors in an Illinois public or State-operated secondary school and opportunities for higher education for students who are undocumented immigrants. The purpose of the DREAM Fund Commission is to establish procedures for accepting and evaluating applications for scholarship from the children of immigrants and issuing scholarships to selected student applicants.

9. **Early Childhood Expulsions (Child Care Act of 1969), 225 ILCS 10/5.10**

**Description:** In conjunction with the School Code, requires DCFS, in consultation with ISBE, to adopt rules prohibiting the use of expulsion due to a child's persistent and serious challenging behaviors in licensed day care centers, day care homes, and group day care homes.

10. **Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.**

a. **Sale Near Churches, Schools, and Hospitals, 235 ILCS 5/6-11**

**Description:** Authorizes the sale of alcoholic liquor near specific locations within 100 feet of schools located in the City of Chicago.

b. **Prohibited Sales and Possession, 235 ILCS 5/6-16**

**Description:** Provides that any person who has alcoholic liquor in his or her possession on public school district property on school days or at events on public school district property when children are present is guilty of a petty offense, unless the alcoholic liquor: (1) is in the original container with the seal unbroken and is in the possession of a person who is not otherwise legally prohibited from possessing the alcoholic liquor, or (2) is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.

11. **Homeless Family Placement Act, 310 ILCS 85/1 et seq.**

**Description:** Enacted to protect the educational interests of homeless children. Requires referring agencies to refer homeless families with a school age child to the shelter closest to the child's school of origin unless the parent decides otherwise. Requires notice to families of their right to select placement in a shelter located nearest the child's school of origin. Defines school of origin as the school that a child attended when he or she was permanently housed or the school in which a child was last enrolled.

12. **Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq.**

**Description:** Requires all school personnel, including personnel of institutions of higher education, athletic program personnel and early intervention providers, having reasonable cause to believe a child or adult resident in a licensed residential facility known to them in their professional or official capacity may be an abused or neglected child or an "adult student with a disability," as defined by the Act, to immediately report or cause a report to be made to DCFS. Forbids school administrators to restrain this reporting duty in any way. Requires school personnel hired after July 1, 1986, to sign a statement that he or she has knowledge and understanding of the reporting requirements of the Act. Requires that within one year of initial employment and at least every five years thereafter, school personnel required to report child abuse must complete mandated reporter training by a provider or agency with expertise in recognizing and reporting child abuse. Provides criminal penalties for false reports, and for willfully failing to file a report when required to do so. Reports are to be made immediately by telephone and confirmed in writing as required by statute. Prohibits employment discrimination against anyone making a good faith report of suspected abuse or neglect. Allows school superintendents to access records concerning reports of abuse and neglect and to use the information therein to conduct investigations or take disciplinary action. Requires electronic and information technology equipment workers who discover any depiction of child pornography while installing, repairing, or otherwise servicing electronic equipment to report such discovery to the local law enforcement agency or the Cyber Tipline at the National Center for Missing and Exploited Children.

Also requires that, if a school district employee has made a report to DCFS involving the conduct of a current or former employee of the school district, and another school district requests information concerning the job performance or qualifications of the current or former employee because he or she has applied for employment in that district, then the school superintendent of the district to which the request is made must disclose to the requesting school district the fact that a report has been made involving that employee, if the school district has not been notified that the allegations are unfounded. The superintendent must also notify the current or former employee of his/her obligation to disclose this information. When a school district employee makes such a report, the law requires the Child Protective Service Unit to send a copy of its final finding report to the superintendent of the school where the report originated.

Provides also that privileged communications between the professional required to report suspected cases of child abuse or neglect and his or her patient or client shall not constitute grounds for failure to share information with DCFS during the course of an abuse or neglect investigation.

Members of a school board, the Chicago Board of Education, and the governing body of a private school are mandated reporters. Board members are only mandated reporters if a child abuse allegation is disclosed to a board member during a school board meeting. See *supra*, **Boards of Education Section**, page 8, number 23. See *supra*, **Employees Section**, page 16, number 27 a. & b.

**13. Children's Privacy Protection And Parental Empowerment Act, 325 ILCS 17/1 et seq.**

**Description:** Prohibits the sale or purchase of personal information concerning a child under the age of 16, unless the parent(s)/guardian(s) have consented, with a few exceptions. Does not prohibit the sale or purchase of personal information when made under a criminal or civil investigation that is otherwise lawful.

**14. Intergovernmental Missing Child Recovery Act, 325 ILCS 40/1 et seq.**

**Description:** Establishes a State Missing Persons Clearinghouse to promote an immediate and effective community response to missing children. The Clearinghouse may establish and conduct programs to educate parents, children and communities and to generally assist enforcement agencies in recovering missing children. Requires

the Illinois Department of State Police (IDSP) to prepare a bulletin concerning missing children and send it to ISBE. Also allows ISDP to provide a copy of the bulletin, if deemed appropriate by the Director, to other appropriate units of local government. Defines a unit of local government as including all public school districts subject to the provisions of the School Code. Additionally, requires IDSP to establish and maintain a Statewide Murderer and Violent Offender Against Youth Database to identify violent offenders against youth. Such information shall be accessible on the internet.

**15. Missing Children Records Act, 325 ILCS 50/1 et seq.**

**Description:** Requires schools, as well as pre-school programs, child care facilities, and day care homes, upon notification by IDSP of a minor's disappearance, to flag the record of the missing person such that whenever a copy of or information regarding the record is requested, the school shall be alerted to the fact that the record is of a missing person. The school must immediately report to IDSP any request concerning flagged records or knowledge as to the whereabouts of any missing minor. Requires schools, as well as public or private pre-school programs, child care facilities, and day care homes, to obtain and photocopy a certified copy of a student's birth certificate or other reliable proof of the student's identity and age for every enrolled child. Requires schools to obtain a certified copy of a student's record from his or her previous school within 14 days of enrolling a transfer student.

**16. Missing Children Registration Law, 325 ILCS 55/0.01 et seq.**

**Description:** Sets forth the same duties for schools as the Missing Children Records Act, except all reporting is to the local law enforcement authorities.

**17. Youth Mental Health Protection Act, 405 ILCS 48/1, et seq.**

**Description:** Prohibits mental health providers from engaging in conversion therapy or sexual orientation change efforts with a person under age 18. Permits sanctions for any mental health provider, including but not limited to a school psychologist as defined in the School Code, a clinical social worker or social worker licensed under the Clinical Social Work and Social Work Practice Act, and a professional counselor or clinical professional counselor licensed under the Professional

Counselor and Clinical Professional Counselor Licensing and Practice Act, who engages in any sexual orientation change efforts attempted on a person under the age of 18. See *supra*, **Litigation Section**, page 33, number 4.

**18. Children’s Mental Health Act of 2003, 405 ILCS 49/1 et seq.**

**Description:** Requires districts to have a protocol for responding to children with social, emotional, or mental health problems, or a combination of such problems, that impact learning ability. Also requires districts to have a policy for incorporating social and emotional development into the education program. Allows school social workers to implement social and emotional programs and services in accordance with students’ needs. See *supra*, **Boards of Education Section**, page 8, number 24.

**19. Lead Poisoning Prevention Act, 410 ILCS 45/1 et seq.**

**Description:** Prevents use or application of lead-bearing substances around children. Requires child care facilities, which include public or private school structures frequented by children six years of age or under, to require lead blood level screening or lead risk assessment for admission. Requires that each parent or legal guardian of a child between one and seven years of age provide a statement from a physician or health care provider that the child has been assessed for risk of lead poisoning or tested or both.

**20. Public Self-Care of Diabetes Act, 410 ILCS 135/1 et seq.**

**Description:** Provides that a person with diabetes, or the parent or legal guardian of a person with diabetes, may self-administer insulin or administer insulin for his or her child in any location, public or private, where the person, or the person’s parent or legal guardian are authorized to be, regardless of whether the injection site is uncovered during or incidental to the administration of insulin.

**21. AIDS Confidentiality Act, 410 ILCS 305/1 et seq.**

**Description:** Prohibits AIDS testing without the documentation of informed consent of the subject, with certain exceptions. When obtaining such consent, certain pre-test information must be provided to the subject as required under the Act. Prohibits disclosure of the identity of a per-

son upon whom a test is performed, or the results of such a test in a manner that permits identification of the subject of the test, again with certain exceptions. None of the exceptions to either prohibition apply to school employees.

**22. Communicable Disease Prevention Act, 410 ILCS 315/0.01 et seq.**

**Description:** Requires IDPH to adopt a rule requiring students entering grades six and 12 to receive immunization containing meningococcal conjugate vaccination. Existing standards for parental or legal guardian objections or medical objections apply to this requirement.

**a. Health Exams and HPV Vaccine, 410 ILCS 315/2e**

**Description:** Students within one year prior to entering kindergarten or first grade and upon entering the ninth grade must receive a health examination. This health examination includes an age-appropriate developmental screening, as well as an age-appropriate social and emotional screening. Each child must present proof of having been screened before October 15<sup>th</sup> of the school year. The school must provide notice to the requirements to the parents and guardians of the student. Also, upon entering the sixth grade, students must receive a health examination. IDPH must provide written information to all female students about to enter the sixth grade and their parents or legal guardians about the link between HPV and cervical cancer and the availability of an HPV vaccine. On or before December 1 of each year, every public school district and registered nonpublic school must make public the immunization data they are required to submit to ISBE by November 15.

**23. Birth Certificate Gender Change (Vital Records Act), 410 ILCS 535/17(d)**

**Description:** Allows an individual to change the gender on their birth certificate without having to first undergo an operation. Includes a verification process with licensed health care professionals.

**24. Powdered Caffeine Control, 410 ILCS 647/1 et seq.**

**Description:** Prohibits any person from selling, offering to sell, giving away, or providing free samples of powdered pure caffeine to any person under age 18.

25. **Emergency Epinephrine Act,**  
410 ILCS 620/3.21

**Description:** Creates an exception under the Illinois Food, Drug and Cosmetic Act to the general prohibition against selling or dispensing a prescription drug without a prescription for the administration of an epinephrine auto-injector to a student in response to anaphylactic reaction, in accordance with 105 ILCS 5/22-30.

26. **Firearm Concealed Carry Act,**  
430 ILCS 66/100-105

**Description:** Allows for the concealed carry of firearms with specified restrictions. Prohibits concealed carry in “any building, real property, and parking area under the control of a public or private elementary or secondary school”. Also states it is the duty of the principal to report to the police when any person is determined to pose a clear and present danger to himself or others within 24 hours of the determination. Allows an individual licensed to carry a concealed firearm under the Act to carry a concealed firearm within a vehicle into a parking area controlled by a school or district and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. See *supra*, **Employees Section**, page 17, number 32. See *supra*, **Property and Contracts Section**, page 39, number 27.

27. **Illinois Vehicle Code,**  
625 ILCS 5/1-100 *et seq.*

a. **Transportation of Students,** 625 ILCS 5/1-182 and 5/1-148.3a-5; 625 ILCS 5/11-1414.1

**Description:** Provides, in conjunction with the School Code, the types of vehicles that may be used for transporting students for curriculum-related school activities and for noncurriculum-related activities. Prohibits the use of a multifunction school activity bus (MFSAB) to transport any student enrolled in grade 12 or below in any curriculum-related school activity except that a MFSAB may be used to transport a student in grades 9 through 12 for curriculum-related school activities other than transportation on regular bus routes between school and home. If a MFSAB is used the driver must hold a valid school bus driver permit and the use must comply with further requirements under the Illinois Vehicle Code. Defines a MFSAB as a school bus manufactured for the purpose of transporting 11 or more persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops.

Provides that a student in grades K through 12 with an Individualized Education Plan with a staff to student ratio of one to five and attending Acacia Academy, Alexander Leigh, Marklund Helping Hands Center, Connections Organization, or New Horizon Academy may be transported in a multi- MFSAB for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home.

b. **Restrictions on Teen Driving,** 625 ILCS 5/6-107 – 107.4 and 5/6-110; 625 ILCS 5/11-506 and 5/11-507

**Description:** Public school driver education programs must include six clock hours of practice driving on actual streets. Teens must have a valid learner’s permit for a specified period before becoming eligible for a driver’s license.

For a student driver with an instruction permit, requires the driver to be “under the direct supervision of” an adult and prohibits the adult instructor supervising the driver from being intoxicated or under the influence of drugs.

For an initial specified period after a license is issued, teens may have only one other teen passenger in the car with them.

Teens under 18 must be off the road after 10 p.m. from Sunday-Thursday, and after 11 p.m. on Fridays and Saturdays. These graduated driver’s license requirements, however, are not applicable to students who drive for the “Safe Rides” program. Further, no teen under the age of 18 is eligible for a graduated driver’s license if he or she has an outstanding traffic citation at the time of application. Similarly, a license or permit will be cancelled if at the time of issuance a minor had as outstanding traffic citation. A license or permit may be invalidated if a driver is issued a citation for violating the law, and the violation is the proximate cause of death or injury to another. Street racing is a felony, punishable by prison-time.

c. **Courses For Students or High School Dropouts; Limitation,** 625 ILCS 5/6-408.5

**Description:** Requires students to have a passing grade in at least eight courses during the two semesters last ending prior to requesting a certificate of completion from a driving school or a driving instructor. Prohibits dropouts from obtaining a certificate of completion except under certain circumstances. Allows the superintendent or chief school administrator to waive these requirements.

d. **School Bus Driver Communication Devices; Pre and Post-Trip Inspection Policy for School Buses**, 625 ILCS 5/12-813.1 and 5/12-816

**Description:** Requires that school buses be equipped with cellular radio telecommunication devices or two-way radios, that pre-trip inspections include testing the cellular device or two-way radio, and that the cellular device or two-way radios be turned on and adjusted in a manner that would alert the driver of incoming communication requests. Requires school bus drivers to check their buses for children and other passengers before leaving the bus at the end of each route. Mandates that school districts adopt policies that, at a minimum, require bus drivers to conduct the cellular device or two-way radio tests and the inspection for children or other passengers required by this law. Mandates that school districts that contract with private school bus companies include, in any such contract, a requirement that the bus company have policies and procedures which, at a minimum, require drivers to conduct the cellular device or two-way radio tests and the inspection for children or other passengers required by this law.

e. **School Crosswalks**, 625 ILCS 5/11-1002.5

**Description:** On a school day between 7 a.m. and 4 p.m. when children are present and so close that a potential hazard exists, and when traffic signals are not in place, requires the driver of a vehicle to stop and yield the right-of-way to a pedestrian crossing the roadway within a school crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

f. **Wireless Telephones**, 625 ILCS 5/12-610.1

**Description:** Prohibits any person from using a wireless telephone at any time while operating a motor vehicle on a roadway in a school speed zone unless the person is using a wireless telephone for emergency purposes, is using a wireless telephone in voice-operated mode, or is using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation. Further, a person under the age of 19 commits aggravated use of a wireless telephone when involved in an accident that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation was the proximate cause of the injury or death.

g. **Speed Limits in School Zones**, 625 ILCS 5/11-605 and 5/11-605.1; 730 ILCS 5/5-6-1

**Description:** Creates the offense of aggravated special speed limit while passing schools. A person commits the offense, a Class B misdemeanor, when he or she drives a motor vehicle at a speed that is 26 miles per hour or more in excess of the applicable special speed limit. Speeding 35 miles per hour or more in excess of the applicable special speed limit is a Class A misdemeanor.

28. **Juvenile Court Act, 705 ILCS 405/1-1 et seq.**

**Description:** Comprehensive scheme for dealing with minors in the court system. Focuses on a child's rights to services necessary to his or her proper development. Provides rules for confidentiality of law enforcement records and juvenile court records. Sets rules for treatment of abused, neglected, or dependent minors, and for paternity and adoption proceedings of the same. Sets rules for minors requiring authoritative intervention, including provision of temporary shelter and *guardians ad litem*. Sets rules for treatment of minors who are addicted to drugs or alcohol, and for delinquent minors. Provides that if a minor is a victim of aggravated battery, battery, attempted first degree murder, or other non-sexual violent offense, the identity of the victim may be disclosed to appropriate school officials, for the purpose of preventing foreseeable future violence involving minors, by a local law enforcement agency pursuant to an agreement established between the school district and a local law enforcement agency subject to the approval by the presiding judge of the juvenile court. For temporary custody, allows courts to designate an educational surrogate for special education services.

a. **Sexting**, 705 ILCS 405/3-40

**Description:** Prohibits a minor from distributing or disseminating an indecent visual depiction of another minor through the use of a computer or electronic communication device.

b. **The Juvenile Court Act – Law Enforcement Records**, 705 ILCS 405/5-905 and 405/1-7

**Description:** Specifies confidentiality procedures for law enforcement records from offenders under age 18. Review of these records is limited to specified parties, including "appropriate school officials". Records may be shared with school officials only if the agency or officer believes there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds.

29. **Illinois Criminal Code, 720 ILCS 5/1-1 et seq.**

a. **Presence Within School Zone By Child Sex Offender Prohibited, 720 ILCS 5/11-9.3**

**Description:** Makes it a Class 4 felony for a convicted child sex offender to knowingly loiter within 500 feet of school property or to knowingly be present in a school building, on school property, or in a school vehicle used to transport students. Limits these restrictions to situations in which minors are present. Provides exceptions for child sex offenders who are parents of students or who have permission from school officials to be on school property. Under the law's "500 feet rule", 500 feet is measured from the edge of the property of the school, park, day care center, playground, or other school property that is closest to the edge of the property of the child sex offender's residence or where he or she is loitering. It is unlawful for a child sex offender to reside within 500 feet of playgrounds, child care institutions, day care centers, or facilities providing programs for persons under age 18. It is also unlawful for a child sex offender to be present in a public park building, playground, or recreation area within any publicly accessible privately owned building when persons under age 18 are present and to approach, contact or communicate with such persons.

b. **Aggravated Battery Against A Teacher, 720 ILCS 5/12-3.05**

**Description:** A person commits aggravated battery if he or she knowingly or intentionally batters a teacher or other person employed by any school and such teacher or other employee is on school grounds or is in any part of a building used for school purposes.

c. **Hate Crime, 720 ILCS 5/12-7.1**

**Description:** Provides that a hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed in a school or other educational facility. A person commits a hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, harassment by telephone, or harassment through electronic communications.

d. **Cyberstalking Law, 720 ILCS 5/12-7.5**

**Description:** Criminalizes harassing and threatening behavior made via electronic communication. Such behavior includes engaging in a course of conduct directed at a specific person that is known or should be known to cause a reasonable person to fear for his or her safety or the safety of another or to suffer other emotional distress. It also includes harassing someone on at least two separate occasions through electronic communications or creating a website maintained for at least 24 hours that includes a threat of immediate or future bodily harm, sexual assault, confinement, or restraint directed toward another person and which places the person or family member of that person in reasonable apprehension of immediate or future harm. Soliciting another to take such actions is prohibited. Cyberstalking is a Class 4 felony.

e. **Abandonment of a School Bus Containing Children, 720 ILCS 5/12C-20**

**Description:** Provides that a school bus driver who knowingly abandons the school bus while it contains any children who are without other adult supervision, except in an emergency where the driver is seeking help or otherwise acting in the best interest of the children, is guilty of a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.

f. **Hazing, 720 ILCS 5/12C-50**

**Description:** Provides that any person who commits hazing is guilty of a Class A misdemeanor or, if the hazing results in death or great bodily harm, a Class 4 felony. Hazing is defined as knowingly requiring the performance of any act by a student or other person in a school, college, university, or other Illinois educational institution, for the purpose of induction or admission into a group, organization, or society associated or connected with the institution if the act is not sanctioned or authorized by that educational institution and the act results in bodily harm to any person. See *supra* **Employees Section**, page 18, number 35. a.

g. **Curfew, 720 ILCS 5/12C-60**

**Description:** Provides that a minor who remains in any public place or on the premises of any establishment during curfew hours, or a parent/guardian of a minor or other person in custody or control of a minor who knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours, commits a curfew offense.

Defines public place as any place to which the public or a substantial group of the public has access and includes the common areas of schools. Also provides several defenses to prosecution, including when the minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor. Curfew hours are between 12:01 am and 6:00 am on Saturdays and Sundays, and 11:00 pm and 6:00 am on all other days (including Sunday to Monday).

**h. Failure to Report Hazing, 720 ILCS 5/12C-50.1**

**Description:** Makes the failure to report a hazing incident a criminal offense. This occurs when a school official observes an act not sanctioned by the school that results in bodily harm and the school official knowingly fails to report the incident to supervising educational authorities or, if the event results in death or great bodily harm, to law enforcement. The law applies to all paid school administrators, teachers, counselors, support staff, and coaches and any volunteer coaches employed by a school, college, university, or other educational institution of the state. Violation is a Class B misdemeanor, unless the act the person failed to report results in death or great bodily harm, in which case it is a Class A misdemeanor. See *supra* **Employees Section**, page 18, number 35. b.

**i. Institutional Vandalism, 720 ILCS 5/21-1.2**

**Description:** Provides that a person commits institutional vandalism when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals (and regardless of the existence of any other motivating factor), he or she knowingly and without consent inflicts damage on: a school or educational facility; the grounds adjacent to, and owned or rented by, a school or educational facility; or any personal property contained in a school or educational facility. Institutional vandalism is a Class 2 felony when the property damage exceeds \$500 or for any second or subsequent offense.

**j. Criminal Trespass To State Supported Land, 720 ILCS 5/21-5**

**Description:** Permits the State or its representative to exclude individuals from property located on state-supported land upon giving notice that the individual is forbidden from entering. Failure to adhere to such notice can be a Class A misdemeanor. Defines instances in which a person commits criminal trespass to State supported land.

**k. Criminal Trespass In A Safe School Zone, 720 ILCS 5/21-5.5**

**Description:** Creates the offense of criminal trespass in a safe school zone. Criminalizes the act of knowingly entering or remaining in a safe school zone without lawful business by a student who has been suspended or expelled, or an employee who has been dismissed for disrupting operations at school.

**l. Unlawful Use of Weapons, 720 ILCS 5/24-1**

**Description:** Criminalizes the use, sale, or possession of various weapons. Provides enhanced penalties for having these weapons in a school, on school property, including any conveyance used to transport students, or in any public way within 1000 feet of a school. Provides that it is a crime of aggravated battery if a person discharges a firearm on or adjacent to school grounds and injures a teacher or student.

**m. False Threat of a Bomb or Explosive Device in a School, 720 ILCS 5/24-1; 720 ILCS 5/29D-20 and 5/29D-25**

**Description:** Provides that a court shall require any person convicted of disorderly conduct, making a terrorist threat, or falsely making a terrorist threat for a false alarm of a bomb or explosive device threat in a school to reimburse the unit of government that employs the emergency response officers who were dispatched to the school, for the cost of the search for a bomb or explosive device. "Emergency response" means any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance.

**n. Disorderly Conduct, 720 ILCS 5/26-1**

**Description:** Provides that a person who transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, commits the crime of disorderly conduct, a Class 4 felony.

**30. Delivery of Controlled, Counterfeit, or Look – Alike Substances; Persons Under 18; Truck Stops or Safety Rest Areas; School Property, Places of Religious Worship (Illinois Controlled Substances Act), 720 ILCS 570/407**

**Description:** Prohibits any person 18 years of age or over from delivering a controlled, counterfeit, or look-alike substance to anyone under 18. Penalties are more severe for drug offenses committed in any school or on any conveyance used by a school to transport students or on any public way within 1000 feet of a school.

**31. Sex Offender and Child Murderer Community Notification Law, 730 ILCS 152/120 and 152/130**

**Description:** Requires law enforcement agencies to identify and provide information to school boards of public school districts about child sex offenders living in the community. Provides immunity for those providing or failing to provide this information, as well as for the secondary release of this information.

**32. Stalking No Contact Order and Order of Protection, 740 ILCS 21/80, 740 ILCS 22/213 and 22/220; 750 ILCS 60/214 and 60/223**

**Description:** Permits a court to prohibit a respondent in a “stalking no contact order” or order of protection from attending the school attended by the petitioner of the order. Also permits a court to order the respondent to accept a change of placement or program, as determined by the school district or private or non-public school, or place restrictions on the respondent’s movements within the school attended by the petitioner. When the petitioner for a “stalking no contact order” or order of protection and the respondent attend the same school, the court must consider the following: the severity of the act; any continuing physical danger or emotional distress to the petitioner; the educational rights guaranteed to the petitioner and respondent under federal and State law; the availability of a transfer of the respondent to another school; a change of placement or a change of program of the respondent; the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school; and any other relevant facts of the case. When a court orders the respondent to stay away from the school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent’s school

district or private or non-public school, the school district or school shall have the sole discretion to determine the attendance center to which the respondent is transferred. The respondent bears the burden of proving (by a preponderance of the evidence) that a transfer, change of placement, or change of program of the respondent is not available, and also bears the burden of production regarding the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change of placement. A court may not hold a school or any of its employees in civil or criminal contempt unless the school has been allowed to intervene.

**33. Illinois Civil Rights Act of 2003, 740 ILCS 23/1 et seq.**

**Description:** Prohibits state and local government from discriminating based on race, color, national origin, or gender. Victims of discrimination have a civil right of action in state court for intentional discriminatory conduct and for government policies and actions disparately impacting a protected group. The Act fills a perceived gap in Title VI of the Federal Civil Rights Act (42 U.S.C. §2000d et seq.) which authorizes suit for intentional discrimination only. See *supra*, **Employees Section**, page 19, number 40.

**34. Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/1 et seq.**

**Description:** Protects the confidentiality of any communication made by a recipient or other person to a therapist or to or in the presence of other persons during or in connection with providing mental health or developmental disability services to the recipient. Allows parents of recipients under age 12 to review their child’s records without the child’s consent. Allows parents of recipients between age 12 and 18 to review their child’s records if the child is informed and does not object, so long as the therapist does not find that there are compelling reasons for denying access. Allows access to records to other listed individuals. Generally requires parental and/or patient consent before records may be disclosed to third parties, with certain exceptions. See *supra*, **Litigation Section**, page 34, number 6.

35. **Parental Responsibility Law, 740 ILCS 115/1, et seq.**

**Description:** Makes the parent or legal guardian of an unemancipated minor, who resides with the parent or legal guardian liable for actual damages for the willful or malicious acts of the minor which cause injury to a person or property. The parent or legal guardian may be liable for actual damages up to \$20,000 for the first act or occurrence of such willful or malicious acts by the minor causing injury or up to \$30,000 if a pattern or practice of willful or malicious acts by a minor exists for a separate act or occurrence. If the plaintiff is a governmental unit, such as a school district, the plaintiff may be awarded reasonable attorney's fees up to \$15,000. See *supra*, **Litigation Section**, page 34, number 10.

36. **Illinois Streetgang Terrorism Omnibus Prevention Act, 740 ILCS 147/1 et seq.**

**Description:** Creates a civil cause of action, to be brought by the State's Attorney, on behalf of a school district that has expended money on or has been harmed by any course of criminal activity by a "streetgang." The cause of action shall lie against the responsible streetgang and any gang officer, director, leader, or member, who is jointly and severally liable for any liability.

37. **Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/101 et seq.**

a. **Educational Expenses For A Non-Minor Child, 750 ILCS 5/513**

**Description:** If a parent is ordered to pay educational expenses for a non-minor child, each parent and the child shall sign any consents necessary for the educational institution to provide the supporting parent with access to the child's academic transcripts, records, and grade reports. Unless the court specifically finds that the child's safety would be jeopardized, parents involved in a proceeding for the child's educational expenses are entitled to know the name of the educational institution the child attends.

b. **Allocation of Parental Responsibilities; Decision-Making, 750 ILCS 5/602.5(b)**

**Description:** Unless parents otherwise agree in writing, the court shall allocate to one or both parents the significant decision-making responsibility for each significant issue affecting the child, including education, which includes the choice of schools and tutors.

c. **Parenting Plan, 750 ILCS 5/602.10**

**Description:** Within 120 days after service or filing of any petition for allocation of parental responsibilities, parents must file a proposed parenting plan. The parenting plan must include, among other elements: (1) an allocation of significant decision-making responsibilities, (2) provisions for the child's living arrangements and for each parent's parenting time, (3) each parent's right of access to medical, dental and psychological records (subject to the Mental Health and Developmental Disabilities Confidentiality Act), child care records, and school and extracurricular records, reports, and schedules, unless expressly denied by a court order or under Section 602.11, and (4) the child's residential address for school enrollment purposes only.

d. **Access to School Records by Parents, 750 ILCS 5/602.11**

**Description:** Access to a child's school records shall not be denied to a parent if that parent has not been allocated parental responsibility. No parent shall have access to the school records of a child if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963.

38. **Illinois Domestic Violence Act of 1986 – Notice Of Orders, 750 ILCS 60/222**

**Description:** Provides that a school district that has received a certified copy of an order of protection prohibiting a person's access to records may not allow that person access to a protected child's records or release information found therein, and must file a copy of the order of protection in the child's file. If the child transfers to another school, the parent may request that the school provide a certified copy of the order to the institution to which the child is transferring. Schools must comply with such requests within 24 hours of the transfer.

39. **Illinois Probate Act – Minors, 755 ILCS 5/11-1 et seq.**

**Description:** Provides rules for appointment of a guardian of the person or the estate, or both, of a minor. Allows for appointment of "standby" guardian and "short term" guardian. Sustains the right of parents who are competent and fit persons to have custody of their children and direction of their children's education. Allows visitation rights

for grandparents and other relatives when natural or adoptive parents are dead. Prescribes the duties of a guardian of a minor, which include providing education.

**40. Illinois Human Rights Act, 775 ILCS 5/et seq.**

a. **General Definitions, 775 ILCS 5/1-103**

**Description:** Defines “sex” as the status of being male or female. Defines “sexual orientation: as actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person’s designated sex at birth.

b. **Public Accommodations, 775 ILCS 5/5-101 et seq.**

**Description:** Prohibits a school, as a place of public accommodation, from denying a student “the full and equal enjoyment of [its] facilities, goods, and services” on the basis of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service. An exception allows schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms.

c. **Sexual Harassment in Education, 775 ILCS 5/5A-101**

**Description:** Prohibits sexual harassment and retaliation by school employees based on sexual harassment complaints. Contains detailed

definition of “sexual harassment in elementary, secondary, and higher education.” Requires schools to take remedial and appropriate disciplinary action against employees known to have committed or engaged in sexual harassment toward a student.

**41. Personal Information Protection Act, 815 ILCS 530/1 et seq.**

**Description:** Requires any data collector that owns or licenses personal information concerning an Illinois resident to notify the resident at no charge that there has been a breach of the security system data following discovery or notification of the breach. Also requires disposal of personal data or written material collected in such a manner as to ensure security and confidentiality of the material. Violation is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. Also requires a data collector that owns or licenses, or maintains or stores but does not own or license, records that contain personal information concerning an Illinois resident, implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification, or disclosure. See *supra*, **Boards of Education Section**, page 10, number 35. See *supra*, **Litigation Section**, page 35, number 15.