

# In Brief

September 2019

## MORE LEGISLATIVE ACTION IN SPRINGFIELD: THREE NOTEWORTHY NEW LAWS OF IMPORTANCE TO ILLINOIS SCHOOL DISTRICTS.

As the summer winds down, Governor Pritzker continues to sign into law important bills which significantly impact school districts. On August 23, 2019, Governor Pritzker signed three such bills summarized below.

### ***Needed Changes to Mandatory Reporter Procedures and Training***

Public Act 101-0664 refines the procedures concerning mandatory reporters. The Act organizes the list of mandated reporters required to report to DCFS when they have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused or neglected child into ten categories. Educational personnel is one category and includes administrative, certified employees, non-certified employees and higher education personnel. There is also categories for child care personnel, recreation or athletic program or facility personnel.

Significantly, this new law allows multiple mandated reporters in the same workplace who share a reasonable cause to believe that a child may be an abused or neglected child to designate one mandated reporter to file a single report. The designated reporter must provide written confirmation of the report to the other mandated reporters within 48 hours. Previously, the expectation was for each mandated reporter to file a report.

Additionally, the Act requires mandated reporters to complete initial training within three months of engaging in a professional or official capacity as a mandated reporter opposed to the previous one year deadline and at least every three years thereafter. Further, the Act specifies the form and content to be included in mandated reporter trainings, which DCFS is required to provide through a continuing education entity and through a free web-based training.

This Act is effective January 1, 2020.

### ***Sexual Abuse Allegations in Schools***

Governor Pritzker signed Public Act 101-0531 to address sexual abuse investigations at schools and to enhance student safety. The Act amends several sections of the *Illinois School Code* and is effective immediately. Of note, the Act:

- Requires a check of the *Statewide Sex Offender Database* and *Statewide Murderer and Violent Offender Against Youth Database* once every 5 years that an applicant remains employed with a school district;
- Requires immediate license suspension of a person charged with certain offenses until the person's criminal charges are adjudicated;
- Allows for dismissal of non-licensed school district employees and for license suspension for employees who willfully or negligently failed to report an instance of suspected child abuse or neglect;
- Requires mandated reporters in schools with knowledge of an alleged incident of sexual abuse to call the DCFS hotline immediately;
- Requires DCFS and the appropriate law enforcement agency to notify the school when an agency investigation is completed and must include information on the outcome of that investigation;
- Requires school districts to review all existing policies and procedures concerning sexual abuse investigations at schools every 2 years;

- Provides that, as a condition of employment, each school board must consider the status of a person who has been issued an indicated finding of abuse or neglect of a child;
- Creates exceptions to the Personnel Record Review Act requirements for school districts sharing information related to sexual abuse or severe physical abuse and for keeping information about activities or associations related to exploitation of minors; and
- Provides procedures for the State Superintendent to determine whether a tenured teacher shall have his/her license suspended for resigning during the school year without Board concurrence.

### ***Dissemination of Private Sexual Images***

The *Civil Remedies for Nonconsensual Dissemination of Private Sexual Images Act* also signed by Governor Pritzker on August 23, 2019, protects individuals' privacy rights in the ever evolving world of text messaging and social media. The Act creates a private cause of action against individuals who disseminate or threaten to disseminate a private sexual image of an individual without their consent. The Act specifies that certain conduct by the depicted individual cannot by itself establish consent to disseminate an image, including: (1) consent to the mere creation of the image; or (2) previous consensual disclosure of the image.

The Act contains exceptions to liability when private sexual images are disseminated in good faith by law enforcement, in a legal proceeding, or for medical education or treatment. The Act further provides an exception to liability when private sexual images are disseminated in good faith in the reporting or investigation of unlawful conduct, or unsolicited and unwelcome conduct, or related to a matter of public concern.

The Act is effective January 1, 2020.

Feel free to contact a Robbins Schwartz attorney with any questions regarding these new laws.