



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB0142

Introduced 1/29/2019, by Sen. Thomas Cullerton

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act to provide that in the case of sexual assault or sexual abuse by a school district employee or volunteer, nothing in the Act prohibits a school district from disclosing the disciplinary records of that person. Amends the School Code to require a school board to report all credible cases of sexual assault or sexual abuse by a licensed educator to the State Board of Education, to establish a hearing procedure for student victims, and to ensure that a licensed educator under investigation by the State Superintendent of Education is reassigned to non-classroom duty. Provides that, beginning with the 2019-2020 school year, the State Board of Education must monitor all fingerprint-based criminal history records checks and any other database checks conducted by a school district or regional superintendent for applicants for employment with a school district. Makes changes concerning educator licensure and allegations of physical or sexual abuse. Amends the Criminal Code of 2012 to create the criminal offense of sexual conduct or sexual relations with a student by an authority figure. Amends the Code of Criminal Procedure of 1963 to require an arresting enforcement agency to share its reports pertaining to the arrest of a licensed educator with the superintendent of any school district that employs the educator (or, in the case of the arrest of a superintendent, with the school board of any school district that employs the superintendent). Amends the Personnel Record Review Act to provide that the Act does not prohibit a school district from divulging internal investigative findings and discipline to another school district. Effective immediately.

LRB101 06968 AXK 52001 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The Freedom of Information Act is amended by  
5 adding Section 7.7 as follows:

6 (5 ILCS 140/7.7 new)

7 Sec. 7.7. Disciplinary records of school district  
8 personnel. In the case of sexual assault or sexual abuse by a  
9 school district employee or volunteer, nothing in this Act  
10 prohibits a school district from disclosing the disciplinary  
11 records of the school district employee or volunteer.

12 Section 10. The School Code is amended by changing Sections  
13 10-21.9, 21B-15, 21B-75, 21B-80, 34-18.5, and 34-84b and by  
14 adding Sections 10-30 and 34-18.61 as follows:

15 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

19 (a) Certified and noncertified applicants for employment  
20 with a school district, except school bus driver applicants,  
21 are required as a condition of employment to authorize a

1 fingerprint-based criminal history records check to determine  
2 if such applicants have been convicted of any of the enumerated  
3 criminal or drug offenses in subsection (c) of this Section or  
4 have been convicted, within 7 years of the application for  
5 employment with the school district, of any other felony under  
6 the laws of this State or of any offense committed or attempted  
7 in any other state or against the laws of the United States  
8 that, if committed or attempted in this State, would have been  
9 punishable as a felony under the laws of this State.  
10 Authorization for the check shall be furnished by the applicant  
11 to the school district, except that if the applicant is a  
12 substitute teacher seeking employment in more than one school  
13 district, a teacher seeking concurrent part-time employment  
14 positions with more than one school district (as a reading  
15 specialist, special education teacher or otherwise), or an  
16 educational support personnel employee seeking employment  
17 positions with more than one district, any such district may  
18 require the applicant to furnish authorization for the check to  
19 the regional superintendent of the educational service region  
20 in which are located the school districts in which the  
21 applicant is seeking employment as a substitute or concurrent  
22 part-time teacher or concurrent educational support personnel  
23 employee. Upon receipt of this authorization, the school  
24 district or the appropriate regional superintendent, as the  
25 case may be, shall submit the applicant's name, sex, race, date  
26 of birth, social security number, fingerprint images, and other

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

1 (a-5) The school district or regional superintendent shall  
2 further perform a check of the Statewide Sex Offender Database,  
3 as authorized by the Sex Offender Community Notification Law,  
4 for each applicant.

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

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

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

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

16 (c) No school board shall knowingly employ a person who has  
17 been convicted of any offense that would subject him or her to  
18 license suspension or revocation pursuant to Section 21B-80 of  
19 this Code. Further, no school board shall knowingly employ a  
20 person who has been found to be the perpetrator of sexual or  
21 physical abuse of any minor under 18 years of age pursuant to  
22 proceedings under Article II of the Juvenile Court Act of 1987.

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

26 (e) Upon receipt of the record of a conviction of or a

1 finding of child abuse by a holder of any certificate issued  
2 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
3 Code, the State Superintendent of Education may initiate  
4 certificate suspension and revocation proceedings as  
5 authorized by law.

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



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

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

1 conviction and identification as a sex offender of any such  
2 employee obtained by the regional superintendent shall be  
3 promptly reported to the president of the appropriate school  
4 board or school boards.

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

9 (g) Prior to the commencement of any student teaching  
10 experience or required internship (which is referred to as  
11 student teaching in this Section) in the public schools, a  
12 student teacher is required to authorize a fingerprint-based  
13 criminal history records check. Authorization for and payment  
14 of the costs of the check must be furnished by the student  
15 teacher to the school district where the student teaching is to  
16 be completed. Upon receipt of this authorization and payment,  
17 the school district shall submit the student teacher's name,  
18 sex, race, date of birth, social security number, fingerprint  
19 images, and other identifiers, as prescribed by the Department  
20 of State Police, to the Department of State Police. The  
21 Department of State Police and the Federal Bureau of  
22 Investigation shall furnish, pursuant to a fingerprint-based  
23 criminal history records check, records of convictions,  
24 forever and hereinafter, until expunged, to the president of  
25 the school board for the school district that requested the  
26 check. The Department shall charge the school district a fee

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

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

26 No school board may knowingly allow a person to student

1 teach who has been convicted of any offense that would subject  
2 him or her to license suspension or revocation pursuant to  
3 Section 21B-80 of this Code or who has been found to be the  
4 perpetrator of sexual or physical abuse of a minor under 18  
5 years of age pursuant to proceedings under Article II of the  
6 Juvenile Court Act of 1987.

7 (h) (Blank).

8 (i) Beginning with the 2019-2020 school year, the State  
9 Board of Education must monitor all fingerprint-based criminal  
10 history records checks and any other database checks conducted  
11 under this Section.

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

13 (105 ILCS 5/10-30 new)

14 Sec. 10-30. Sexual assault or sexual abuse by a licensed  
15 educator.

16 (a) A school board must report all credible cases of sexual  
17 assault or sexual abuse by a licensed educator to the State  
18 Board of Education.

19 (b) A school board must establish a hearing procedure for  
20 student victims of alleged sexual assault or sexual abuse by a  
21 licensed educator that allows a student victim to testify. In  
22 such cases, an attorney retained by the school district may not  
23 interview the student without:

24 (1) the consent of the student or the student's parent  
25 or legal guardian if the student is a minor; and

1           (2) the student's parent or legal guardian, the  
2           student's legal representative, or both in the room.

3           As part of the hearing procedure, an attorney retained by  
4           the school district may not interview the student 2 or more  
5           times without good cause being shown and recorded. If 2 or more  
6           interviews take place, the attorney retained by the school  
7           district who has control over the investigation must maintain a  
8           record, which shall be part of the legal record of the  
9           investigation, to show why 2 or more interviews took place. The  
10           student, student's legal representative, or student's family  
11           shall have continuous access to the record.

12           (c) A school board shall ensure that a licensed educator  
13           under investigation by the State Superintendent of Education or  
14           his or her designee for alleged sexual assault or sexual abuse  
15           is reassigned to non-classroom duty.

16           (105 ILCS 5/21B-15)

17           Sec. 21B-15. Qualifications of educators.

18           (a) No one may be licensed to teach or supervise or be  
19 otherwise employed in the public schools of this State who is  
20 not of good character and at least 19 years of age.

21           In determining good character under this Section, the State  
22 Superintendent of Education shall take into consideration the  
23 disciplinary actions of other states or national entities  
24 against certificates or licenses issued by those states and  
25 held by individuals from those states. In addition, any felony

1 conviction of the applicant may be taken into consideration;  
2 however, no one may be licensed to teach or supervise in the  
3 public schools of this State who has been convicted of (i) an  
4 offense set forth in subsection (b) of Section 21B-80 of this  
5 Code until 7 years following the end of the sentence for the  
6 criminal offense or (ii) an offense set forth in subsection (c)  
7 of Section 21B-80 of this Code. Unless the conviction is for an  
8 offense set forth in Section 21B-80 of this Code, an applicant  
9 must be permitted to submit character references or other  
10 written material before such a conviction or other information  
11 regarding the applicant's character may be used by the State  
12 Superintendent of Education as a basis for denying the  
13 application.

14 In addition, no one may be licensed to teach or supervise  
15 in the public schools of this State who has been dismissed by a  
16 school district for physical or sexual assault or abuse of a  
17 co-worker or a pupil.

18 (b) No person otherwise qualified shall be denied the right  
19 to be licensed or to receive training for the purpose of  
20 becoming an educator because of a physical disability,  
21 including, but not limited to, visual and hearing disabilities;  
22 nor shall any school district refuse to employ a teacher on  
23 such grounds, provided that the person is able to carry out the  
24 duties of the position for which he or she applies.

25 (c) No person may be granted or continue to hold an  
26 educator license who has knowingly altered or misrepresented

1 his or her qualifications, in this State or any other state, in  
2 order to acquire or renew the license. Any other license issued  
3 under this Article held by the person may be suspended or  
4 revoked by the State Educator Preparation and Licensure Board,  
5 depending upon the severity of the alteration or  
6 misrepresentation.

7 (d) No one may teach or supervise in the public schools nor  
8 receive for teaching or supervising any part of any public  
9 school fund who does not hold an educator license granted by  
10 the State Superintendent of Education as provided in this  
11 Article. However, the provisions of this Article do not apply  
12 to a member of the armed forces who is employed as a teacher of  
13 subjects in the Reserve Officers' Training Corps of any school,  
14 nor to an individual teaching a dual credit course as provided  
15 for in the Dual Credit Quality Act.

16 (e) Notwithstanding any other provision of this Code, the  
17 school board of a school district may grant to a teacher of the  
18 district a leave of absence with full pay for a period of not  
19 more than one year to permit the teacher to teach in a foreign  
20 state under the provisions of the Exchange Teacher Program  
21 established under Public Law 584, 79th Congress, and Public Law  
22 402, 80th Congress, as amended. The school board granting the  
23 leave of absence may employ, with or without pay, a national of  
24 the foreign state wherein the teacher on the leave of absence  
25 is to teach if the national is qualified to teach in that  
26 foreign state and if that national is to teach in a grade level

1 similar to the one that was taught in the foreign state. The  
2 State Board of Education, in consultation with the State  
3 Educator Preparation and Licensure Board, may adopt rules as  
4 may be necessary to implement this subsection (e).

5 (f) No person shall be denied a license issued under this  
6 Article solely based on his or her citizenship status or  
7 immigration status. The General Assembly finds and declares  
8 that this subsection (f) is a State law within the meaning of  
9 subsection (d) of Section 1621 of Title 8 of the United States  
10 Code. Nothing in this subsection shall affect the requirements  
11 to obtain a license that are not directly related to  
12 citizenship status or immigration status. Nothing in this  
13 subsection shall be construed to grant eligibility for  
14 obtaining any public benefit other than a license issued under  
15 this Article.

16 (Source: P.A. 99-667, eff. 7-29-16; 100-13, eff. 7-1-17;  
17 100-1078, eff. 1-1-19.)

18 (105 ILCS 5/21B-75)

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

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

24 (b) The State Superintendent of Education has the exclusive  
25 authority, in accordance with this Section and any rules



1 adopted by the State Board of Education, in consultation with  
2 the State Educator Preparation and Licensure Board, to initiate  
3 the suspension of up to 5 calendar years or revocation of any  
4 license issued pursuant to this Article for abuse or neglect of  
5 a child, immorality, a condition of health detrimental to the  
6 welfare of pupils, incompetency, unprofessional conduct (which  
7 includes the failure to disclose on an employment application  
8 any previous conviction for a sex offense, as defined in  
9 Section 21B-80 of this Code, or any other offense committed in  
10 any other state or against the laws of the United States that,  
11 if committed in this State, would be punishable as a sex  
12 offense, as defined in Section 21B-80 of this Code), the  
13 neglect of any professional duty, willful failure to report an  
14 instance of suspected child abuse or neglect as required by the  
15 Abused and Neglected Child Reporting Act, or other just cause.  
16 Unprofessional conduct shall include the refusal to attend or  
17 participate in institutes, teachers' meetings, or professional  
18 readings or to meet other reasonable requirements of the  
19 regional superintendent of schools or State Superintendent of  
20 Education. Unprofessional conduct also includes conduct that  
21 violates the standards, ethics, or rules applicable to the  
22 security, administration, monitoring, or scoring of or the  
23 reporting of scores from any assessment test or examination  
24 administered under Section 2-3.64a-5 of this Code or that is  
25 known or intended to produce or report manipulated or  
26 artificial, rather than actual, assessment or achievement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (d-5) If a credible allegation of sexual assault or sexual  
13 abuse is made against a license holder, the State Educator  
14 Preparation and Licensure Board must issue a decision within 12  
15 months after receipt of notice of the alleged misconduct.

16 If investigation by the State Superintendent of Education  
17 or his or her designee of the alleged misconduct includes an  
18 interview of an alleged victim, the interview must be conducted  
19 under the same conditions as provided in subsection (b) of  
20 Section 10-30. If the alleged victim was previously interviewed  
21 by an attorney retained by the school district, then the State  
22 Superintendent of Education or his or her designee must  
23 maintain a record, which shall be part of the legal record of  
24 the investigation, to show why the new interview took place.  
25 The alleged victim, alleged victim's legal representative, or  
26 alleged victim's family shall have continuous access to the

1 record.

2 If a school district reports an allegation of sexual  
3 assault or sexual abuse against a license holder, the State  
4 Superintendent of Education must publicly report the outcome of  
5 the resulting hearing and investigation, including cases in  
6 which the license holder was exonerated. In addition, the State  
7 Superintendent of Education must make a partial disclosure when  
8 a license holder has been reassigned to non-classroom duty. The  
9 partial disclosure is not required to include the exact  
10 allegations, but must name the educator to verify his or her  
11 reassignment to non-classroom duty.

12 The State Board of Education must collect and list  
13 internally data reported to it from school districts regarding  
14 allegations of sexual assault or sexual abuse. The State Board  
15 of Education must make its list of reported cases and pending  
16 cases regarding allegations of sexual assault or sexual abuse  
17 available to the education agencies of other states that keep  
18 similar lists. In addition, the State Board of Education may,  
19 by interstate agreement or interstate compact, develop a  
20 formalized reciprocal database of educator professionals.

21 (e) All correspondence, documentation, and other  
22 information so received by the regional superintendent of  
23 schools, the State Superintendent of Education, the State Board  
24 of Education, or the State Educator Preparation and Licensure  
25 Board under this Section is confidential and must not be  
26 disclosed to third parties, except (i) as necessary for the

1 State Superintendent of Education or his or her designee to  
2 investigate and prosecute pursuant to this Article, (ii)  
3 pursuant to a court order, (iii) for disclosure to the license  
4 holder or his or her representative, or (iv) as otherwise  
5 required in this Article and provided that any such information  
6 admitted into evidence in a hearing is exempt from this  
7 confidentiality and non-disclosure requirement.

8 (f) The State Superintendent of Education or a person  
9 designated by him or her shall have the power to administer  
10 oaths to witnesses at any hearing conducted before the State  
11 Educator Preparation and Licensure Board pursuant to this  
12 Section. The State Superintendent of Education or a person  
13 designated by him or her is authorized to subpoena and bring  
14 before the State Educator Preparation and Licensure Board any  
15 person in this State and to take testimony either orally or by  
16 deposition or by exhibit, with the same fees and mileage and in  
17 the same manner as prescribed by law in judicial proceedings in  
18 civil cases in circuit courts of this State.

19 (g) Any circuit court, upon the application of the State  
20 Superintendent of Education or the license holder, may, by  
21 order duly entered, require the attendance of witnesses and the  
22 production of relevant books and papers as part of any  
23 investigation or at any hearing the State Educator Preparation  
24 and Licensure Board is authorized to conduct pursuant to this  
25 Section, and the court may compel obedience to its orders by  
26 proceedings for contempt.



1           (h) The State Board of Education shall receive an annual  
2 line item appropriation to cover fees associated with the  
3 investigation and prosecution of alleged educator misconduct  
4 and hearings related thereto.

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

6           (105 ILCS 5/21B-80)

7           Sec. 21B-80. Conviction of certain offenses as grounds for  
8 disqualification for licensure or suspension or revocation of a  
9 license.

10          (a) As used in this Section:

11           "Drug offense" means any one or more of the following  
12 offenses:

13           (1) Any offense defined in the Cannabis Control Act,  
14 except those defined in subdivisions (a), (b), and (c) of  
15 Section 4 and subdivisions (a) and (b) of Section 5 of the  
16 Cannabis Control Act and any offense for which the holder  
17 of a license is placed on probation under the provisions of  
18 Section 10 of the Cannabis Control Act, provided that if  
19 the terms and conditions of probation required by the court  
20 are not fulfilled, the offense is not eligible for this  
21 exception.

22           (2) Any offense defined in the Illinois Controlled  
23 Substances Act, except any offense for which the holder of  
24 a license is placed on probation under the provisions of  
25 Section 410 of the Illinois Controlled Substances Act,

1 provided that if the terms and conditions of probation  
2 required by the court are not fulfilled, the offense is not  
3 eligible for this exception.

4 (3) Any offense defined in the Methamphetamine Control  
5 and Community Protection Act, except any offense for which  
6 the holder of a license is placed on probation under the  
7 provision of Section 70 of that Act, provided that if the  
8 terms and conditions of probation required by the court are  
9 not fulfilled, the offense is not eligible for this  
10 exception.

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

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

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

20 "Sentence" includes any period of supervision or probation  
21 that was imposed either alone or in combination with a period  
22 of incarceration.

23 "Sex offense" means any one or more of the following  
24 offenses:

25 (A) Any offense defined in Sections 11-6, 11-9 through  
26 11-9.5, inclusive, and 11-30 (if punished as a Class 4

1 felony) of the Criminal Code of 1961 or the Criminal Code  
2 of 2012; Sections 11-14.1 through 11-21, inclusive, of the  
3 Criminal Code of 1961 or the Criminal Code of 2012;  
4 Sections 11-23 (if punished as a Class 3 felony), 11-24,  
5 11-25, and 11-26 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012; and Sections 11-1.20, 11-1.30,  
7 11-1.40, 11-1.50, 11-1.60, 11-9.6, 12-4.9, 12-13, 12-14,  
8 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if  
9 punished pursuant to subdivision (4) or (5) of subsection  
10 (d) of Section 26-4) of the Criminal Code of 1961 or the  
11 Criminal Code of 2012.

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

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

18 (b) Whenever the holder of any license issued pursuant to  
19 this Article or applicant for a license to be issued pursuant  
20 to this Article has been convicted of any drug offense, other  
21 than as provided in subsection (c) of this Section, the State  
22 Superintendent of Education shall forthwith suspend the  
23 license or deny the application, whichever is applicable, until  
24 7 years following the end of the sentence for the criminal  
25 offense. If the conviction is reversed and the holder is  
26 acquitted of the offense in a new trial or the charges against

1 him or her are dismissed, the State Superintendent of Education  
2 shall forthwith terminate the suspension of the license.

3 (c) Whenever the holder of a license issued pursuant to  
4 this Article or applicant for a license to be issued pursuant  
5 to this Article has been convicted of attempting to commit,  
6 conspiring to commit, soliciting, or committing any sex  
7 offense, first degree murder, or a Class X felony or any  
8 offense committed or attempted in any other state or against  
9 the laws of the United States that, if committed or attempted  
10 in this State, would have been punishable as one or more of the  
11 foregoing offenses, the State Superintendent of Education  
12 shall forthwith suspend the license or deny the application,  
13 whichever is applicable. If the conviction is reversed and the  
14 holder is acquitted of that offense in a new trial or the  
15 charges that he or she committed that offense are dismissed,  
16 the State Superintendent of Education shall forthwith  
17 terminate the suspension of the license. When the conviction  
18 becomes final, the State Superintendent of Education shall  
19 forthwith revoke the license.

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

21 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

22 Sec. 34-18.5. Criminal history records checks and checks of  
23 the Statewide Sex Offender Database and Statewide Murderer and  
24 Violent Offender Against Youth Database.

25 (a) Certified and noncertified applicants for employment

1 with the school district are required as a condition of  
2 employment to authorize a fingerprint-based criminal history  
3 records check to determine if such applicants have been  
4 convicted of any of the enumerated criminal or drug offenses in  
5 subsection (c) of this Section or have been convicted, within 7  
6 years of the application for employment with the school  
7 district, of any other felony under the laws of this State or  
8 of any offense committed or attempted in any other state or  
9 against the laws of the United States that, if committed or  
10 attempted in this State, would have been punishable as a felony  
11 under the laws of this State. Authorization for the check shall  
12 be furnished by the applicant to the school district, except  
13 that if the applicant is a substitute teacher seeking  
14 employment in more than one school district, or a teacher  
15 seeking concurrent part-time employment positions with more  
16 than one school district (as a reading specialist, special  
17 education teacher or otherwise), or an educational support  
18 personnel employee seeking employment positions with more than  
19 one district, any such district may require the applicant to  
20 furnish authorization for the check to the regional  
21 superintendent of the educational service region in which are  
22 located the school districts in which the applicant is seeking  
23 employment as a substitute or concurrent part-time teacher or  
24 concurrent educational support personnel employee. Upon  
25 receipt of this authorization, the school district or the  
26 appropriate regional superintendent, as the case may be, shall

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

26 (a-5) The school district or regional superintendent shall

1 further perform a check of the Statewide Sex Offender Database,  
2 as authorized by the Sex Offender Community Notification Law,  
3 for each applicant.

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

9 (b) Any information concerning the record of convictions  
10 obtained by the president of the board of education or the  
11 regional superintendent shall be confidential and may only be  
12 transmitted to the general superintendent of the school  
13 district or his designee, the appropriate regional  
14 superintendent if the check was requested by the board of  
15 education for the school district, the presidents of the  
16 appropriate board of education or school boards if the check  
17 was requested from the Department of State Police by the  
18 regional superintendent, the State Superintendent of  
19 Education, the State Teacher Certification Board or any other  
20 person necessary to the decision of hiring the applicant for  
21 employment. A copy of the record of convictions obtained from  
22 the Department of State Police shall be provided to the  
23 applicant for employment. Upon the check of the Statewide Sex  
24 Offender Database, the school district or regional  
25 superintendent shall notify an applicant as to whether or not  
26 the applicant has been identified in the Database as a sex

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



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

15 (c) The board of education shall not knowingly employ a  
16 person who has been convicted of any offense that would subject  
17 him or her to license suspension or revocation pursuant to  
18 Section 21B-80 of this Code. Further, the board of education  
19 shall not knowingly employ a person who has been found to be  
20 the perpetrator of sexual or physical abuse of any minor under  
21 18 years of age pursuant to proceedings under Article II of the  
22 Juvenile Court Act of 1987.

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

26 (e) Upon receipt of the record of a conviction of or a

1 finding of child abuse by a holder of any certificate issued  
2 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
3 Code, the State Superintendent of Education may initiate  
4 certificate suspension and revocation proceedings as  
5 authorized by law.

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

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

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

1 promptly reported to the president of the appropriate school  
2 board or school boards.

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

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

1 authorized by the Sex Offender Community Notification Law, and  
2 of the Statewide Murderer and Violent Offender Against Youth  
3 Database, as authorized by the Murderer and Violent Offender  
4 Against Youth Registration Act, for each student teacher. The  
5 board may not knowingly allow a person to student teach for  
6 whom a criminal history records check, a Statewide Sex Offender  
7 Database check, and a Statewide Murderer and Violent Offender  
8 Against Youth Database check have not been completed and  
9 reviewed by the district.

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

22 The board may not knowingly allow a person to student teach  
23 who has been convicted of any offense that would subject him or  
24 her to license suspension or revocation pursuant to Section  
25 21B-80 of this Code or who has been found to be the perpetrator  
26 of sexual or physical abuse of a minor under 18 years of age

1 pursuant to proceedings under Article II of the Juvenile Court  
2 Act of 1987.

3 (h) (Blank).

4 (i) Beginning with the 2019-2020 school year, the State  
5 Board of Education must monitor all fingerprint-based criminal  
6 history records checks and any other database checks conducted  
7 under this Section.

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

9 (105 ILCS 5/34-18.61 new)

10 Sec. 34-18.61. Sexual assault or sexual abuse by a licensed  
11 educator.

12 (a) The board must report all credible cases of sexual  
13 assault or sexual abuse by a licensed educator to the State  
14 Board of Education.

15 (b) The board must establish a hearing procedure for  
16 student victims of alleged sexual assault or sexual abuse by a  
17 licensed educator that allows a student victim to testify. In  
18 such cases, an attorney retained by the school district may not  
19 interview the student without:

20 (1) the consent of the student or the student's parent  
21 or legal guardian if the student is a minor; and

22 (2) the student's parent or legal guardian, the  
23 student's legal representative, or both in the room.

24 As part of the hearing procedure, an attorney retained by  
25 the school district may not interview the student 2 or more

1 times without good cause being shown and recorded. If 2 or more  
2 interviews take place, the attorney retained by the school  
3 district who has control over the investigation must maintain a  
4 record, which shall be part of the legal record of the  
5 investigation, to show why 2 or more interviews took place. The  
6 student, student's legal representative, or student's family  
7 shall have continuous access to the record.

8 (c) The board shall ensure that a licensed educator under  
9 investigation by the State Superintendent of Education or his  
10 or her designee for alleged sexual assault or sexual abuse is  
11 reassigned to non-classroom duty.

12 (105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

13 Sec. 34-84b. Conviction of sex or narcotics offense, first  
14 degree murder, attempted first degree murder, or Class X felony  
15 as grounds for revocation of certificate.

16 (a) Whenever the holder of any certificate issued by the  
17 board of education has been convicted of any sex offense or  
18 narcotics offense as defined in this Section, the board of  
19 education shall forthwith suspend the certificate. If the  
20 conviction is reversed and the holder is acquitted of the  
21 offense in a new trial or the charges against him are  
22 dismissed, the board shall forthwith terminate the suspension  
23 of the certificate. When the conviction becomes final, the  
24 board shall forthwith revoke the certificate. "Sex offense" as  
25 used in this Section means any one or more of the following

1 offenses: (1) any offense defined in Sections 11-6, 11-9,  
2 11-9.6, and 11-30, Sections 11-14 through 11-21, inclusive, and  
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,  
4 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012; (2) any attempt to commit any of the  
6 foregoing offenses, and (3) any offense committed or attempted  
7 in any other state which, if committed or attempted in this  
8 State, would have been punishable as one or more of the  
9 foregoing offenses. "Narcotics offense" as used in this Section  
10 means any one or more of the following offenses: (1) any  
11 offense defined in the Cannabis Control Act except those  
12 defined in Sections 4(a), 4(b) and 5(a) of that Act and any  
13 offense for which the holder of any certificate is placed on  
14 probation under the provisions of Section 10 of that Act and  
15 fulfills the terms and conditions of probation as may be  
16 required by the court; (2) any offense defined in the Illinois  
17 Controlled Substances Act except any offense for which the  
18 holder of any certificate is placed on probation under the  
19 provisions of Section 410 of that Act and fulfills the terms  
20 and conditions of probation as may be required by the court;  
21 (3) any offense defined in the Methamphetamine Control and  
22 Community Protection Act except any offense for which the  
23 holder of any certificate is placed on probation under the  
24 provision of Section 70 of that Act and fulfills the terms and  
25 conditions of probation as may be required by the court; (4)  
26 any attempt to commit any of the foregoing offenses; and (5)



1 any offense committed or attempted in any other state or  
2 against the laws of the United States which, if committed or  
3 attempted in this State, would have been punishable as one or  
4 more of the foregoing offenses.

5 (b) Whenever the holder of any certificate issued by the  
6 board of education or pursuant to Article 21 or any other  
7 provisions of the School Code has been convicted of first  
8 degree murder, attempted first degree murder, or a Class X  
9 felony, the board of education or the State Superintendent of  
10 Education shall forthwith suspend the certificate. If the  
11 conviction is reversed and the holder is acquitted of that  
12 offense in a new trial or the charges that he or she committed  
13 that offense are dismissed, the suspending authority shall  
14 forthwith terminate the suspension of the certificate. When the  
15 conviction becomes final, the State Superintendent of  
16 Education shall forthwith revoke the certificate. The stated  
17 offenses of "first degree murder", "attempted first degree  
18 murder", and "Class X felony" referred to in this Section  
19 include any offense committed in another state that, if  
20 committed in this State, would have been punishable as any one  
21 of the stated offenses.

22 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

23 Section 15. The Criminal Code of 2012 is amended by adding  
24 Section 11-9.6 as follows:

1 (720 ILCS 5/11-9.6 new)

2 Sec. 11-9.6. Sexual conduct or sexual relations with a  
3 student by an authority figure.

4 (a) In this Section:

5 "Authority figure" means a person 18 years of age or older  
6 who is employed by, volunteering at, or under contract with a  
7 school, including, but not limited to, a school resource  
8 officer.

9 "School" has the meaning given to that term in Section  
10 11-9.3 of this Code. "School" does not include a facility  
11 dedicated exclusively to the education of adults.

12 "Student" means a person who is enrolled at a school.

13 (b) A person commits sexual conduct or sexual relations  
14 with a student by an authority figure when he or she is an  
15 authority figure and solicits or engages in any of the  
16 following acts with a student:

17 (1) an act of sexual penetration or sexual conduct;

18 (2) a romantic relationship; or

19 (3) lewd conduct.

20 (c) Sentence. Sexual conduct or sexual relations with a  
21 student by an authority figure is a Class 1 felony.

22 Section 20. The Code of Criminal Procedure of 1963 is  
23 amended by adding Section 107-17 as follows:

24 (725 ILCS 5/107-17 new)

1       Sec. 107-17. Educator; report. After the arrest or  
2       arraignment of an educator (other than a superintendent of a  
3       school district) who is licensed under Article 21B of the  
4       School Code, the arresting enforcement agency shall share its  
5       reports pertaining to the arrest with the superintendent of any  
6       school district that employs the educator. After the arrest or  
7       arraignment of a superintendent of a school district, the  
8       arresting enforcement agency shall share its reports  
9       pertaining to the arrest with the school board of any school  
10       district that employs the superintendent.

11       Section 25. The Personnel Record Review Act is amended by  
12       changing Section 7 as follows:

13       (820 ILCS 40/7) (from Ch. 48, par. 2007)

14       Sec. 7. (1) An employer or former employer shall not  
15       divulge a disciplinary report, letter of reprimand, or other  
16       disciplinary action to a third party, to a party who is not a  
17       part of the employer's organization, or to a party who is not a  
18       part of a labor organization representing the employee, without  
19       written notice as provided in this Section.

20       (2) The written notice to the employee shall be by  
21       first-class mail to the employee's last known address and shall  
22       be mailed on or before the day the information is divulged.

23       (3) This Section shall not apply if:

24       (a) the employee has specifically waived written

1 notice as part of a written, signed employment application  
2 with another employer;

3 (b) the disclosure is ordered to a party in a legal  
4 action or arbitration; or

5 (c) information is requested by a government agency as  
6 a result of a claim or complaint by an employee, or as a  
7 result of a criminal investigation by such agency.

8 (3.5) This Section does not prohibit a school district from  
9 divulging internal investigative findings and discipline to  
10 another school district.

11 (4) An employer who receives a request for records of a  
12 disciplinary report, letter of reprimand, or other  
13 disciplinary action in relation to an employee under the  
14 Freedom of Information Act may provide notification to the  
15 employee in written form as described in subsection (2) or  
16 through electronic mail, if available.

17 (Source: P.A. 96-1212, eff. 7-22-10.)

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

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 140/7.7 new

4 105 ILCS 5/10-21.9 from Ch. 122, par. 10-21.9

5 105 ILCS 5/10-30 new

6 105 ILCS 5/21B-15

7 105 ILCS 5/21B-75

8 105 ILCS 5/21B-80

9 105 ILCS 5/34-18.5 from Ch. 122, par. 34-18.5

10 105 ILCS 5/34-18.61 new

11 105 ILCS 5/34-84b from Ch. 122, par. 34-84b

12 720 ILCS 5/11-9.6 new

13 725 ILCS 5/107-17 new

14 820 ILCS 40/7 from Ch. 48, par. 2007