

SB3601



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3601

Introduced 2/14/2020, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.9
105 ILCS 5/34-18.5

from Ch. 122, par. 10-21.9
from Ch. 122, par. 34-18.5

Amends the School Code. Within 10 days after a superintendent, regional office of education, or entity that provides background checks of license holders to public schools receives information of a pending criminal charge against a license holder for certain offenses, requires the superintendent, regional office of education, or entity to notify the State Superintendent of Education of the pending criminal charge. Effective July 1, 2020.

LRB101 17719 NHT 67146 b

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 School Code is amended by changing Sections
5 10-21.9 and 34-18.5 as follows:

6 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

7 Sec. 10-21.9. Criminal history records checks and checks of
8 the Statewide Sex Offender Database and Statewide Murderer and
9 Violent Offender Against Youth Database.

10 (a) Licensed and nonlicensed applicants for employment
11 with a school district, except school bus driver applicants,
12 are required as a condition of employment to authorize a
13 fingerprint-based criminal history records check to determine
14 if such applicants have been convicted of any disqualifying,
15 enumerated criminal or drug offenses in subsection (c) of this
16 Section or have been convicted, within 7 years of the
17 application for employment with the school district, of any
18 other felony under the laws of this State or of any offense
19 committed or attempted in any other state or against the laws
20 of the United States that, if committed or attempted in this
21 State, would have been punishable as a felony under the laws of
22 this State. Authorization for the check shall be furnished by
23 the applicant to the school district, except that if the

1 applicant is a substitute teacher seeking employment in more
2 than one school district, a teacher seeking concurrent
3 part-time employment positions with more than one school
4 district (as a reading specialist, special education teacher or
5 otherwise), or an educational support personnel employee
6 seeking employment positions with more than one district, any
7 such district may require the applicant to furnish
8 authorization for the check to the regional superintendent of
9 the educational service region in which are located the school
10 districts in which the applicant is seeking employment as a
11 substitute or concurrent part-time teacher or concurrent
12 educational support personnel employee. Upon receipt of this
13 authorization, the school district or the appropriate regional
14 superintendent, as the case may be, shall submit the
15 applicant's name, sex, race, date of birth, social security
16 number, fingerprint images, and other identifiers, as
17 prescribed by the Department of State Police, to the
18 Department. The regional superintendent submitting the
19 requisite information to the Department of State Police shall
20 promptly notify the school districts in which the applicant is
21 seeking employment as a substitute or concurrent part-time
22 teacher or concurrent educational support personnel employee
23 that the check of the applicant has been requested. The
24 Department of State Police and the Federal Bureau of
25 Investigation shall furnish, pursuant to a fingerprint-based
26 criminal history records check, records of convictions,

1 forever and hereinafter, until expunged, to the president of
2 the school board for the school district that requested the
3 check, or to the regional superintendent who requested the
4 check. The Department shall charge the school district or the
5 appropriate regional superintendent a fee for conducting such
6 check, which fee shall be deposited in the State Police
7 Services Fund and shall not exceed the cost of the inquiry; and
8 the applicant shall not be charged a fee for such check by the
9 school district or by the regional superintendent, except that
10 those applicants seeking employment as a substitute teacher
11 with a school district may be charged a fee not to exceed the
12 cost of the inquiry. Subject to appropriations for these
13 purposes, the State Superintendent of Education shall
14 reimburse school districts and regional superintendents for
15 fees paid to obtain criminal history records checks under this
16 Section.

17 (a-5) The school district or regional superintendent shall
18 further perform a check of the Statewide Sex Offender Database,
19 as authorized by the Sex Offender Community Notification Law,
20 for each applicant. The check of the Statewide Sex Offender
21 Database must be conducted by the school district or regional
22 superintendent once for every 5 years that an applicant remains
23 employed by the school district.

24 (a-6) The school district or regional superintendent shall
25 further perform a check of the Statewide Murderer and Violent
26 Offender Against Youth Database, as authorized by the Murderer

1 and Violent Offender Against Youth Community Notification Law,
2 for each applicant. The check of the Murderer and Violent
3 Offender Against Youth Database must be conducted by the school
4 district or regional superintendent once for every 5 years that
5 an applicant remains employed by the school district.

6 (b) Any information concerning the record of convictions
7 obtained by the president of the school board or the regional
8 superintendent shall be confidential and may only be
9 transmitted to the superintendent of the school district or his
10 designee, the appropriate regional superintendent if the check
11 was requested by the school district, the presidents of the
12 appropriate school boards if the check was requested from the
13 Department of State Police by the regional superintendent, the
14 State Board of Education and a school district as authorized
15 under subsection (b-5), the State Superintendent of Education,
16 the State Educator Preparation and Licensure Board, any other
17 person necessary to the decision of hiring the applicant for
18 employment, or for clarification purposes the Department of
19 State Police or Statewide Sex Offender Database, or both. A
20 copy of the record of convictions obtained from the Department
21 of State Police shall be provided to the applicant for
22 employment. Upon the check of the Statewide Sex Offender
23 Database or Statewide Murderer and Violent Offender Against
24 Youth Database, the school district or regional superintendent
25 shall notify an applicant as to whether or not the applicant
26 has been identified in the Database. If a check of an applicant

1 for employment as a substitute or concurrent part-time teacher
2 or concurrent educational support personnel employee in more
3 than one school district was requested by the regional
4 superintendent, and the Department of State Police upon a check
5 ascertains that the applicant has not been convicted of any of
6 the enumerated criminal or drug offenses in subsection (c) of
7 this Section or has not been convicted, within 7 years of the
8 application for employment with the school district, of any
9 other felony under the laws of this State or of any offense
10 committed or attempted in any other state or against the laws
11 of the United States that, if committed or attempted in this
12 State, would have been punishable as a felony under the laws of
13 this State and so notifies the regional superintendent and if
14 the regional superintendent upon a check ascertains that the
15 applicant has not been identified in the Sex Offender Database
16 or Statewide Murderer and Violent Offender Against Youth
17 Database, 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 or
4 Statewide Murderer and Violent Offender Against Youth
5 Database, the applicant has not been identified in the
6 Database. 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 or Statewide
13 Murderer and Violent Offender Against Youth Database as
14 provided in this Section. Any unauthorized release of
15 confidential information may be a violation of Section 7 of the
16 Criminal Identification Act.

17 (b-5) If a criminal history records check or check of the
18 Statewide Sex Offender Database or Statewide Murderer and
19 Violent Offender Against Youth Database is performed by a
20 regional superintendent for an applicant seeking employment as
21 a substitute teacher with a school district, the regional
22 superintendent may disclose to the State Board of Education
23 whether the applicant has been issued a certificate under
24 subsection (b) based on those checks. If the State Board
25 receives information on an applicant under this subsection,
26 then it must indicate in the Educator Licensure Information

1 System for a 90-day period that the applicant has been issued
2 or has not been issued a certificate.

3 (c) No school board shall knowingly employ a person who has
4 been convicted of any offense that would subject him or her to
5 license suspension or revocation pursuant to Section 21B-80 of
6 this Code, except as provided under subsection (b) of Section
7 21B-80. Further, no school board shall knowingly employ a
8 person who has been found to be the perpetrator of sexual or
9 physical abuse of any minor under 18 years of age pursuant to
10 proceedings under Article II of the Juvenile Court Act of 1987.
11 As a condition of employment, each school board must consider
12 the status of a person who has been issued an indicated finding
13 of abuse or neglect of a child by the Department of Children
14 and Family Services under the Abused and Neglected Child
15 Reporting Act or by a child welfare agency of another
16 jurisdiction.

17 (d) No school board shall knowingly employ a person for
18 whom a criminal history records check and a Statewide Sex
19 Offender Database check have ~~has~~ not been initiated.

20 (e) Within 10 days after a superintendent, regional office
21 of education, or entity that provides background checks of
22 license holders to public schools receives information of a
23 pending criminal charge against a license holder for an offense
24 set forth in Section 21B-80 of this Code, the superintendent,
25 regional office of education, or entity must notify the State
26 Superintendent of Education of the pending criminal charge.

1 If permissible by federal or State law, no later than 15
2 business days after receipt of a record of conviction or of
3 checking the Statewide Murderer and Violent Offender Against
4 Youth Database or the Statewide Sex Offender Database and
5 finding a registration, the superintendent of the employing
6 school board or the applicable regional superintendent shall,
7 in writing, notify the State Superintendent of Education of any
8 license holder who has been convicted of a crime set forth in
9 Section 21B-80 of this Code. Upon receipt of the record of a
10 conviction of or a finding of child abuse by a holder of any
11 license issued pursuant to Article 21B or Section 34-8.1 or
12 34-83 of the School Code, the State Superintendent of Education
13 may initiate licensure suspension and revocation proceedings
14 as authorized by law. If the receipt of the record of
15 conviction or finding of child abuse is received within 6
16 months after the initial grant of or renewal of a license, the
17 State Superintendent of Education may rescind the license
18 holder's license.

19 (e-5) The superintendent of the employing school board
20 shall, in writing, notify the State Superintendent of Education
21 and the applicable regional superintendent of schools of any
22 license holder whom he or she has reasonable cause to believe
23 has committed an intentional act of abuse or neglect with the
24 result of making a child an abused child or a neglected child,
25 as defined in Section 3 of the Abused and Neglected Child
26 Reporting Act, and that act resulted in the license holder's

1 dismissal or resignation from the school district. This
2 notification must be submitted within 30 days after the
3 dismissal or resignation. The license holder must also be
4 contemporaneously sent a copy of the notice by the
5 superintendent. All correspondence, documentation, and other
6 information so received by the regional superintendent of
7 schools, the State Superintendent of Education, the State Board
8 of Education, or the State Educator Preparation and Licensure
9 Board under this subsection (e-5) is confidential and must not
10 be disclosed to third parties, except (i) as necessary for the
11 State Superintendent of Education or his or her designee to
12 investigate and prosecute pursuant to Article 21B of this Code,
13 (ii) pursuant to a court order, (iii) for disclosure to the
14 license holder or his or her representative, or (iv) as
15 otherwise provided in this Article and provided that any such
16 information admitted into evidence in a hearing is exempt from
17 this confidentiality and non-disclosure requirement. Except
18 for an act of willful or wanton misconduct, any superintendent
19 who provides notification as required in this subsection (e-5)
20 shall have immunity from any liability, whether civil or
21 criminal or that otherwise might result by reason of such
22 action.

23 (f) After January 1, 1990 the provisions of this Section
24 shall apply to all employees of persons or firms holding
25 contracts with any school district including, but not limited
26 to, food service workers, school bus drivers and other

1 transportation employees, who have direct, daily contact with
2 the pupils of any school in such district. For purposes of
3 criminal history records checks and checks of the Statewide Sex
4 Offender Database on employees of persons or firms holding
5 contracts with more than one school district and assigned to
6 more than one school district, the regional superintendent of
7 the educational service region in which the contracting school
8 districts are located may, at the request of any such school
9 district, be responsible for receiving the authorization for a
10 criminal history records check prepared by each such employee
11 and submitting the same to the Department of State Police and
12 for conducting a check of the Statewide Sex Offender Database
13 for each employee. Any information concerning the record of
14 conviction and identification as a sex offender of any such
15 employee obtained by the regional superintendent shall be
16 promptly reported to the president of the appropriate school
17 board or school boards.

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

22 (g) Prior to the commencement of any student teaching
23 experience or required internship (which is referred to as
24 student teaching in this Section) in the public schools, a
25 student teacher is required to authorize a fingerprint-based
26 criminal history records check. Authorization for and payment

1 of the costs of the check must be furnished by the student
2 teacher to the school district where the student teaching is to
3 be completed. Upon receipt of this authorization and payment,
4 the school district shall submit the student teacher's name,
5 sex, race, date of birth, social security number, fingerprint
6 images, and other identifiers, as prescribed by the Department
7 of State Police, to the Department of State Police. 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. The Department shall charge the school district a fee
14 for conducting the check, which fee must not exceed the cost of
15 the inquiry and must be deposited into the State Police
16 Services Fund. The school district shall further perform a
17 check of the Statewide Sex Offender Database, as authorized by
18 the Sex Offender Community Notification Law, and of the
19 Statewide Murderer and Violent Offender Against Youth
20 Database, as authorized by the Murderer and Violent Offender
21 Against Youth Registration Act, for each student teacher. No
22 school board may knowingly allow a person to student teach for
23 whom a criminal history records check, a Statewide Sex Offender
24 Database check, and a Statewide Murderer and Violent Offender
25 Against Youth Database check have not been completed and
26 reviewed by the district.

1 A copy of the record of convictions obtained from the
2 Department of State Police must be provided to the student
3 teacher. Any information concerning the record of convictions
4 obtained by the president of the school board is confidential
5 and may only be transmitted to the superintendent of the school
6 district or his or her designee, the State Superintendent of
7 Education, the State Educator Preparation and Licensure Board,
8 or, for clarification purposes, the Department of State Police
9 or the Statewide Sex Offender Database or Statewide Murderer
10 and Violent Offender Against Youth Database. Any unauthorized
11 release of confidential information may be a violation of
12 Section 7 of the Criminal Identification Act.

13 No school board shall knowingly allow a person to student
14 teach who has been convicted of any offense that would subject
15 him or her to license suspension or revocation pursuant to
16 subsection (c) of Section 21B-80 of this Code, except as
17 provided under subsection (b) of Section 21B-80. Further, no
18 school board shall allow a person to student teach if he or she
19 has been found to be the perpetrator of sexual or physical
20 abuse of a minor under 18 years of age pursuant to proceedings
21 under Article II of the Juvenile Court Act of 1987. Each school
22 board must consider the status of a person to student teach who
23 has been issued an indicated finding of abuse or neglect of a
24 child by the Department of Children and Family Services under
25 the Abused and Neglected Child Reporting Act or by a child
26 welfare agency of another jurisdiction.

1 (h) (Blank).

2 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
3 revised 12-3-19.)

4 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

5 Sec. 34-18.5. Criminal history records checks and checks of
6 the Statewide Sex Offender Database and Statewide Murderer and
7 Violent Offender Against Youth Database.

8 (a) Licensed and nonlicensed applicants for employment
9 with the school district are required as a condition of
10 employment to authorize a fingerprint-based criminal history
11 records check to determine if such applicants have been
12 convicted of any disqualifying, enumerated criminal or drug
13 offense ~~offenses~~ in subsection (c) of this Section or have been
14 convicted, within 7 years of the application for employment
15 with the school district, of any other felony under the laws of
16 this State or of any offense committed or attempted in any
17 other state or against the laws of the United States that, if
18 committed or attempted in this State, would have been
19 punishable as a felony under the laws of this State.
20 Authorization for the check shall be furnished by the applicant
21 to the school district, except that if the applicant is a
22 substitute teacher seeking employment in more than one school
23 district, or a teacher seeking concurrent part-time employment
24 positions with more than one school district (as a reading
25 specialist, special education teacher or otherwise), or an

1 educational support personnel employee seeking employment
2 positions with more than one district, any such district may
3 require the applicant to furnish authorization for the check to
4 the regional superintendent of the educational service region
5 in which are located the school districts in which the
6 applicant is seeking employment as a substitute or concurrent
7 part-time teacher or concurrent educational support personnel
8 employee. Upon receipt of this authorization, the school
9 district or the appropriate regional superintendent, as the
10 case may be, shall submit the applicant's name, sex, race, date
11 of birth, social security number, fingerprint images, and other
12 identifiers, as prescribed by the Department of State Police,
13 to the Department. The regional superintendent submitting the
14 requisite information to the Department of State Police shall
15 promptly notify the school districts in which the applicant is
16 seeking employment as a substitute or concurrent part-time
17 teacher or concurrent educational support personnel employee
18 that the check of the applicant has been requested. The
19 Department of State Police and the Federal Bureau of
20 Investigation shall furnish, pursuant to a fingerprint-based
21 criminal history records check, records of convictions,
22 forever and hereinafter, until expunged, to the president of
23 the school board for the school district that requested the
24 check, or to the regional superintendent who requested the
25 check. The Department shall charge the school district or the
26 appropriate regional superintendent a fee for conducting such

1 check, which fee shall be deposited in the State Police
2 Services Fund and shall not exceed the cost of the inquiry; and
3 the applicant shall not be charged a fee for such check by the
4 school district or by the regional superintendent. Subject to
5 appropriations for these purposes, the State Superintendent of
6 Education shall reimburse the school district and regional
7 superintendent for fees paid to obtain criminal history records
8 checks under this Section.

9 (a-5) The school district or regional superintendent shall
10 further perform a check of the Statewide Sex Offender Database,
11 as authorized by the Sex Offender Community Notification Law,
12 for each applicant. The check of the Statewide Sex Offender
13 Database must be conducted by the school district or regional
14 superintendent once for every 5 years that an applicant remains
15 employed by the school district.

16 (a-6) The school district or regional superintendent shall
17 further perform a check of the Statewide Murderer and Violent
18 Offender Against Youth Database, as authorized by the Murderer
19 and Violent Offender Against Youth Community Notification Law,
20 for each applicant. The check of the Murderer and Violent
21 Offender Against Youth Database must be conducted by the school
22 district or regional superintendent once for every 5 years that
23 an applicant remains employed by the school district.

24 (b) Any information concerning the record of convictions
25 obtained by the president of the board of education or the
26 regional superintendent shall be confidential and may only be

1 transmitted to the general superintendent of the school
2 district or his designee, the appropriate regional
3 superintendent if the check was requested by the board of
4 education for the school district, the presidents of the
5 appropriate board of education or school boards if the check
6 was requested from the Department of State Police by the
7 regional superintendent, the State Board of Education and the
8 school district as authorized under subsection (b-5), the State
9 Superintendent of Education, the State Educator Preparation
10 and Licensure Board or any other person necessary to the
11 decision of hiring the applicant for employment. A copy of the
12 record of convictions obtained from the Department of State
13 Police shall be provided to the applicant for employment. Upon
14 the check of the Statewide Sex Offender Database or Statewide
15 Murderer and Violent Offender Against Youth Database, the
16 school district or regional superintendent shall notify an
17 applicant as to whether or not the applicant has been
18 identified in the Database. If a check of an applicant for
19 employment as a substitute or concurrent part-time teacher or
20 concurrent educational support personnel employee in more than
21 one school district was requested by the regional
22 superintendent, and the Department of State Police upon a check
23 ascertains that the applicant has not been convicted of any of
24 the enumerated criminal or drug offenses in subsection (c) of
25 this Section or has not been convicted, within 7 years of the
26 application for employment with the school district, of any

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

1 concurrent educational support personnel employee or may
2 initiate its own criminal history records check of the
3 applicant through the Department of State Police and its own
4 check of the Statewide Sex Offender Database or Statewide
5 Murderer and Violent Offender Against Youth Database as
6 provided in this Section. Any unauthorized release of
7 confidential information may be a violation of Section 7 of the
8 Criminal Identification Act.

9 (b-5) If a criminal history records check or check of the
10 Statewide Sex Offender Database or Statewide Murderer and
11 Violent Offender Against Youth Database is performed by a
12 regional superintendent for an applicant seeking employment as
13 a substitute teacher with the school district, the regional
14 superintendent may disclose to the State Board of Education
15 whether the applicant has been issued a certificate under
16 subsection (b) based on those checks. If the State Board
17 receives information on an applicant under this subsection,
18 then it must indicate in the Educator Licensure Information
19 System for a 90-day period that the applicant has been issued
20 or has not been issued a certificate.

21 (c) The board of education shall not knowingly employ a
22 person who has been convicted of any offense that would subject
23 him or her to license suspension or revocation pursuant to
24 Section 21B-80 of this Code, except as provided under
25 subsection (b) of 21B-80. Further, the board of education shall
26 not knowingly employ a person who has been found to be the

1 perpetrator of sexual or physical abuse of any minor under 18
2 years of age pursuant to proceedings under Article II of the
3 Juvenile Court Act of 1987. As a condition of employment, the
4 board of education must consider the status of a person who has
5 been issued an indicated finding of abuse or neglect of a child
6 by the Department of Children and Family Services under the
7 Abused and Neglected Child Reporting Act or by a child welfare
8 agency of another jurisdiction.

9 (d) The board of education shall not knowingly employ a
10 person for whom a criminal history records check and a
11 Statewide Sex Offender Database check have ~~has~~ not been
12 initiated.

13 (e) Within 10 days after the general superintendent of
14 schools, a regional office of education, or an entity that
15 provides background checks of license holders to public schools
16 receives information of a pending criminal charge against a
17 license holder for an offense set forth in Section 21B-80 of
18 this Code, the superintendent, regional office of education, or
19 entity must notify the State Superintendent of Education of the
20 pending criminal charge.

21 No later than 15 business days after receipt of a record of
22 conviction or of checking the Statewide Murderer and Violent
23 Offender Against Youth Database or the Statewide Sex Offender
24 Database and finding a registration, the general
25 superintendent of schools or the applicable regional
26 superintendent shall, in writing, notify the State

1 Superintendent of Education of any license holder who has been
2 convicted of a crime set forth in Section 21B-80 of this Code.
3 Upon receipt of the record of a conviction of or a finding of
4 child abuse by a holder of any license issued pursuant to
5 Article 21B or Section 34-8.1 or 34-83 of this ~~the School~~ Code,
6 the State Superintendent of Education may initiate licensure
7 suspension and revocation proceedings as authorized by law. If
8 the receipt of the record of conviction or finding of child
9 abuse is received within 6 months after the initial grant of or
10 renewal of a license, the State Superintendent of Education may
11 rescind the license holder's license.

12 (e-5) The general superintendent of schools shall, in
13 writing, notify the State Superintendent of Education of any
14 license holder whom he or she has reasonable cause to believe
15 has committed an intentional act of abuse or neglect with the
16 result of making a child an abused child or a neglected child,
17 as defined in Section 3 of the Abused and Neglected Child
18 Reporting Act, and that act resulted in the license holder's
19 dismissal or resignation from the school district. This
20 notification must be submitted within 30 days after the
21 dismissal or resignation. The license holder must also be
22 contemporaneously sent a copy of the notice by the
23 superintendent. All correspondence, documentation, and other
24 information so received by the State Superintendent of
25 Education, the State Board of Education, or the State Educator
26 Preparation and Licensure Board under this subsection (e-5) is

1 confidential and must not be disclosed to third parties, except
2 (i) as necessary for the State Superintendent of Education or
3 his or her designee to investigate and prosecute pursuant to
4 Article 21B of this Code, (ii) pursuant to a court order, (iii)
5 for disclosure to the license holder or his or her
6 representative, or (iv) as otherwise provided in this Article
7 and provided that any such information admitted into evidence
8 in a hearing is exempt from this confidentiality and
9 non-disclosure requirement. Except for an act of willful or
10 wanton misconduct, any superintendent who provides
11 notification as required in this subsection (e-5) shall have
12 immunity from any liability, whether civil or criminal or that
13 otherwise might result by reason of such action.

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

1 criminal history records check prepared by each such employee
2 and submitting the same to the Department of State Police and
3 for conducting a check of the Statewide Sex Offender Database
4 for each employee. Any information concerning the record of
5 conviction and identification as a sex offender of any such
6 employee obtained by the regional superintendent shall be
7 promptly reported to the president of the appropriate school
8 board or school boards.

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

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

1 convictions, forever and hereinafter, until expunged, to the
2 president of the board. The Department shall charge the school
3 district a fee for conducting the check, which fee must not
4 exceed the cost of the inquiry and must be deposited into the
5 State Police Services Fund. The school district shall further
6 perform a check of the Statewide Sex Offender Database, as
7 authorized by the Sex Offender Community Notification Law, and
8 of the Statewide Murderer and Violent Offender Against Youth
9 Database, as authorized by the Murderer and Violent Offender
10 Against Youth Registration Act, for each student teacher. The
11 board may not knowingly allow a person to student teach for
12 whom a criminal history records check, a Statewide Sex Offender
13 Database check, and a Statewide Murderer and Violent Offender
14 Against Youth Database check have not been completed and
15 reviewed by the district.

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

1 Section 7 of the Criminal Identification Act.

2 The board may not knowingly allow a person to student teach
3 who has been convicted of any offense that would subject him or
4 her to license suspension or revocation pursuant to subsection
5 (c) of Section 21B-80 of this Code, except as provided under
6 subsection (b) of Section 21B-80. Further, the board may not
7 allow a person to student teach if he or she has been found to
8 be the perpetrator of sexual or physical abuse of a minor under
9 18 years of age pursuant to proceedings under Article II of the
10 Juvenile Court Act of 1987. The board must consider the status
11 of a person to student teach who has been issued an indicated
12 finding of abuse or neglect of a child by the Department of
13 Children and Family Services under the Abused and Neglected
14 Child Reporting Act or by a child welfare agency of another
15 jurisdiction.

16 (h) (Blank).

17 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
18 revised 9-19-19.)

19 Section 99. Effective date. This Act takes effect July 1,
20 2020.