

**SB3756**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB3756**

Introduced 2/14/2020, by Sen. Scott M. Bennett

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/10-21.9

from Ch. 122, par. 10-21.9

Amends the School Code. Adds regional offices of education to provisions that require schools and school districts to make available any information obtained pursuant to a criminal history records check or a check of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database. Removes a provision that limits the information to checks performed within the last year and to checks performed under a specified provision. Effective immediately.

LRB101 20265 CMG 69806 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 Section  
5 10-21.9 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) If permissible by federal or State law, no later than  
21 15 business days after receipt of a record of conviction or of  
22 checking the Statewide Murderer and Violent Offender Against  
23 Youth Database or the Statewide Sex Offender Database and  
24 finding a registration, the superintendent of the employing  
25 school board or the applicable regional superintendent shall,  
26 in writing, notify the State Superintendent of Education of any



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

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

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

16 (f) After January 1, 1990 the provisions of this Section  
17 shall apply to all employees of persons or firms holding  
18 contracts with any school district including, but not limited  
19 to, food service workers, school bus drivers and other  
20 transportation employees, who have direct, daily contact with  
21 the pupils of any school in such district. For purposes of  
22 criminal history records checks and checks of the Statewide Sex  
23 Offender Database on employees of persons or firms holding  
24 contracts with more than one school district and assigned to  
25 more than one school district, the regional superintendent of  
26 the educational service region in which the contracting school

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

11 (f-5) Upon request of a school, ~~or~~ school district, or  
12 regional office of education, any information obtained by a  
13 school district or regional office of education pursuant to  
14 ~~subsection (f) of this Section within the last year~~ must be  
15 made available to the requesting school, ~~or~~ school district, or  
16 regional office of education.

17 (g) Prior to the commencement of any student teaching  
18 experience or required internship (which is referred to as  
19 student teaching in this Section) in the public schools, a  
20 student teacher is required to authorize a fingerprint-based  
21 criminal history records check. Authorization for and payment  
22 of the costs of the check must be furnished by the student  
23 teacher to the school district where the student teaching is to  
24 be completed. Upon receipt of this authorization and payment,  
25 the school district shall submit the student teacher's name,  
26 sex, race, date of birth, social security number, fingerprint

1 images, and other identifiers, as prescribed by the Department  
2 of State Police, to the Department of State Police. The  
3 Department of State Police and the Federal Bureau of  
4 Investigation shall furnish, pursuant to a fingerprint-based  
5 criminal history records check, records of convictions,  
6 forever and hereinafter, until expunged, to the president of  
7 the school board for the school district that requested the  
8 check. The Department shall charge the school district a fee  
9 for conducting the check, which fee must not exceed the cost of  
10 the inquiry and must be deposited into the State Police  
11 Services Fund. The school district shall further perform a  
12 check of the Statewide Sex Offender Database, as authorized by  
13 the Sex Offender Community Notification Law, and of the  
14 Statewide Murderer and Violent Offender Against Youth  
15 Database, as authorized by the Murderer and Violent Offender  
16 Against Youth Registration Act, for each student teacher. No  
17 school board may knowingly allow a person to student teach for  
18 whom a criminal history records check, a Statewide Sex Offender  
19 Database check, and a Statewide Murderer and Violent Offender  
20 Against Youth Database check have not been completed and  
21 reviewed by the district.

22 A copy of the record of convictions obtained from the  
23 Department of State Police must be provided to the student  
24 teacher. Any information concerning the record of convictions  
25 obtained by the president of the school board is confidential  
26 and may only be transmitted to the superintendent of the school

1 district or his or her designee, the State Superintendent of  
2 Education, the State Educator Preparation and Licensure Board,  
3 or, for clarification purposes, the Department of State Police  
4 or the Statewide Sex Offender Database or Statewide Murderer  
5 and Violent Offender Against Youth Database. Any unauthorized  
6 release of confidential information may be a violation of  
7 Section 7 of the Criminal Identification Act.

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

22 (h) (Blank).

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

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