



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2859

Introduced 2/19/2021, by Rep. Daniel Swanson

#### 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. Provides that a school district seeking to employ a substitute teacher may use information in the Educator Licensure Information System rather than initiating its own criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Effective immediately.

LRB102 03979 CMG 13995 b

FISCAL NOTE ACT  
MAY APPLY

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  
8 of the Statewide Sex Offender Database and Statewide Murderer  
9 and 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  
5 or 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  
19 Database, as authorized by the Sex Offender Community  
20 Notification Law, for each applicant. The check of the  
21 Statewide Sex Offender Database must be conducted by the  
22 school district or regional superintendent once for every 5  
23 years that an applicant remains employed by the school  
24 district.

25 (a-6) The school district or regional superintendent shall  
26 further perform a check of the Statewide Murderer and Violent

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

8 (b) Any information concerning the record of convictions  
9 obtained by the president of the school board or the regional  
10 superintendent shall be confidential and may only be  
11 transmitted to the superintendent of the school district or  
12 his designee, the appropriate regional superintendent if the  
13 check was requested by the school district, the presidents of  
14 the appropriate school boards if the check was requested from  
15 the Department of State Police by the regional superintendent,  
16 the State Board of Education and a school district as  
17 authorized under subsection (b-5), the State Superintendent of  
18 Education, the State Educator Preparation and Licensure Board,  
19 any other person necessary to the decision of hiring the  
20 applicant for employment, or for clarification purposes the  
21 Department of State Police or Statewide Sex Offender Database,  
22 or both. A copy of the record of convictions obtained from the  
23 Department of State Police shall be provided to the applicant  
24 for employment. Upon the check of the Statewide Sex Offender  
25 Database or Statewide Murderer and Violent Offender Against  
26 Youth Database, the school district or regional superintendent

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

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

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

1 receives information on an applicant under this subsection,  
2 then it must indicate in the Educator Licensure Information  
3 System for a 90-day period that the applicant has been issued  
4 or has not been issued a certificate. Notwithstanding  
5 subsection (b), a school district seeking to employ the  
6 substitute teacher may use the information in the Educator  
7 Licensure Information System rather than initiating its own  
8 criminal history records check or check of the Statewide Sex  
9 Offender Database or Statewide Murderer and Violent Offender  
10 Against Youth Database under this Section.

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

25 (d) No school board shall knowingly employ a person for  
26 whom a criminal history records check and a Statewide Sex



1 Offender Database check have not been initiated.

2 (e) Within 10 days after a superintendent, regional office  
3 of education, or entity that provides background checks of  
4 license holders to public schools receives information of a  
5 pending criminal charge against a license holder for an  
6 offense set forth in Section 21B-80 of this Code, the  
7 superintendent, regional office of education, or entity must  
8 notify the State Superintendent of Education of the pending  
9 criminal charge.

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

1 holder's license.

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

1 requirement. Except for an act of willful or wanton  
2 misconduct, any superintendent who provides notification as  
3 required in this subsection (e-5) shall have immunity from any  
4 liability, whether civil or criminal or that otherwise might  
5 result by reason of such action.

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

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

5 (g) Prior to the commencement of any student teaching  
6 experience or required internship (which is referred to as  
7 student teaching in this Section) in the public schools, a  
8 student teacher is required to authorize a fingerprint-based  
9 criminal history records check. Authorization for and payment  
10 of the costs of the check must be furnished by the student  
11 teacher to the school district where the student teaching is  
12 to be completed. Upon receipt of this authorization and  
13 payment, the school district shall submit the student  
14 teacher's name, sex, race, date of birth, social security  
15 number, fingerprint images, and other identifiers, as  
16 prescribed by the Department of State Police, to the  
17 Department of State Police. The Department of State Police and  
18 the Federal Bureau of Investigation shall furnish, pursuant to  
19 a fingerprint-based criminal history records check, records of  
20 convictions, forever and hereinafter, until expunged, to the  
21 president of the school board for the school district that  
22 requested the check. 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. No  
5 school board may knowingly allow a person to student teach for  
6 whom a criminal history records check, a Statewide Sex  
7 Offender Database check, and a Statewide Murderer and Violent  
8 Offender Against Youth Database check have not been completed  
9 and 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 school board is confidential  
14 and may only be transmitted to the superintendent of the  
15 school district or his or her designee, the State  
16 Superintendent of Education, the State Educator Preparation  
17 and Licensure Board, or, for clarification purposes, the  
18 Department of State Police or the Statewide Sex Offender  
19 Database or Statewide Murderer and Violent Offender Against  
20 Youth Database. Any unauthorized release of confidential  
21 information may be a violation of Section 7 of the Criminal  
22 Identification Act.

23 No school board shall knowingly allow a person to student  
24 teach who has been convicted of any offense that would subject  
25 him or her to license suspension or revocation pursuant to  
26 subsection (c) of Section 21B-80 of this Code, except as

1 provided under subsection (b) of Section 21B-80. Further, no  
2 school board shall allow a person to student teach if he or she  
3 has been found to be the perpetrator of sexual or physical  
4 abuse of a minor under 18 years of age pursuant to proceedings  
5 under Article II of the Juvenile Court Act of 1987. Each school  
6 board must consider the status of a person to student teach who  
7 has been issued an indicated finding of abuse or neglect of a  
8 child by the Department of Children and Family Services under  
9 the Abused and Neglected Child Reporting Act or by a child  
10 welfare agency of another jurisdiction.

11 (h) (Blank).

12 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
13 101-643, eff. 6-18-20.)

14 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

15 Sec. 34-18.5. Criminal history records checks and checks  
16 of the Statewide Sex Offender Database and Statewide Murderer  
17 and Violent Offender Against Youth Database.

18 (a) Licensed and nonlicensed applicants for employment  
19 with the school district are required as a condition of  
20 employment to authorize a fingerprint-based criminal history  
21 records check to determine if such applicants have been  
22 convicted of any disqualifying, enumerated criminal or drug  
23 offense in subsection (c) of this Section or have been  
24 convicted, within 7 years of the application for employment  
25 with the school district, of any other felony under the laws of

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

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

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



1 district.

2 (a-6) The school district or regional superintendent shall  
3 further perform a check of the Statewide Murderer and Violent  
4 Offender Against Youth Database, as authorized by the Murderer  
5 and Violent Offender Against Youth Community Notification Law,  
6 for each applicant. The check of the Murderer and Violent  
7 Offender Against Youth Database must be conducted by the  
8 school district or regional superintendent once for every 5  
9 years that an applicant remains employed by the school  
10 district.

11 (b) Any information concerning the record of convictions  
12 obtained by the president of the board of education or the  
13 regional superintendent shall be confidential and may only be  
14 transmitted to the general superintendent of the school  
15 district or his designee, the appropriate regional  
16 superintendent if the check was requested by the board of  
17 education for the school district, the presidents of the  
18 appropriate board of education or school boards if the check  
19 was requested from the Department of State Police by the  
20 regional superintendent, the State Board of Education and the  
21 school district as authorized under subsection (b-5), the  
22 State Superintendent of Education, the State Educator  
23 Preparation and Licensure Board or any other person necessary  
24 to the decision of hiring the applicant for employment. A copy  
25 of the record of convictions obtained from the Department of  
26 State Police shall be provided to the applicant for

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

1 convicted, within 7 years of the application for employment  
2 with the school district, of any other felony under the laws of  
3 this State or of any offense committed or attempted in any  
4 other state or against the laws of the United States that, if  
5 committed or attempted in this State, would have been  
6 punishable as a felony under the laws of this State and  
7 evidencing that as of the date that the regional  
8 superintendent conducted a check of the Statewide Sex Offender  
9 Database or Statewide Murderer and Violent Offender Against  
10 Youth Database, the applicant has not been identified in the  
11 Database. The school board of any school district may rely on  
12 the certificate issued by any regional superintendent to that  
13 substitute teacher, concurrent part-time teacher, or  
14 concurrent educational support personnel employee or may  
15 initiate its own criminal history records check of the  
16 applicant through the Department of State Police and its own  
17 check of the Statewide Sex Offender Database or Statewide  
18 Murderer and Violent Offender Against Youth Database as  
19 provided in this Section. Any unauthorized release of  
20 confidential information may be a violation of Section 7 of  
21 the Criminal Identification Act.

22 (b-5) If a criminal history records check or check of the  
23 Statewide Sex Offender Database or Statewide Murderer and  
24 Violent Offender Against Youth Database is performed by a  
25 regional superintendent for an applicant seeking employment as  
26 a substitute teacher with the school district, the regional

1 superintendent may disclose to the State Board of Education  
2 whether the applicant has been issued a certificate under  
3 subsection (b) based on those checks. If the State Board  
4 receives information on an applicant under this subsection,  
5 then it must indicate in the Educator Licensure Information  
6 System for a 90-day period that the applicant has been issued  
7 or has not been issued a certificate. Notwithstanding  
8 subsection (b), the school district may use the information in  
9 the Educator Licensure Information System rather than  
10 initiating its own criminal history records check or check of  
11 the Statewide Sex Offender Database or Statewide Murderer and  
12 Violent Offender Against Youth Database under this Section.

13 (c) The board of education shall not knowingly employ a  
14 person who has been convicted of any offense that would  
15 subject him or her to license suspension or revocation  
16 pursuant to Section 21B-80 of this Code, except as provided  
17 under subsection (b) of 21B-80. Further, the board of  
18 education shall not knowingly employ a person who has been  
19 found to be the perpetrator of sexual or physical abuse of any  
20 minor under 18 years of age pursuant to proceedings under  
21 Article II of the Juvenile Court Act of 1987. As a condition of  
22 employment, the board of education must consider the status of  
23 a person who has been issued an indicated finding of abuse or  
24 neglect of a child by the Department of Children and Family  
25 Services under the Abused and Neglected Child Reporting Act or  
26 by a child welfare agency of another jurisdiction.

1           (d) The board of education shall not knowingly employ a  
2 person for whom a criminal history records check and a  
3 Statewide Sex Offender Database check have not been initiated.

4           (e) Within 10 days after the general superintendent of  
5 schools, a regional office of education, or an entity that  
6 provides background checks of license holders to public  
7 schools receives information of a pending criminal charge  
8 against a license holder for an offense set forth in Section  
9 21B-80 of this Code, the superintendent, regional office of  
10 education, or entity must notify the State Superintendent of  
11 Education of the pending criminal charge.

12           No later than 15 business days after receipt of a record of  
13 conviction or of checking the Statewide Murderer and Violent  
14 Offender Against Youth Database or the Statewide Sex Offender  
15 Database and finding a registration, the general  
16 superintendent of schools or the applicable regional  
17 superintendent shall, in writing, notify the State  
18 Superintendent of Education of any license holder who has been  
19 convicted of a crime set forth in Section 21B-80 of this Code.  
20 Upon receipt of the record of a conviction of or a finding of  
21 child abuse by a holder of any license issued pursuant to  
22 Article 21B or Section 34-8.1 or 34-83 of this Code, the State  
23 Superintendent of Education may initiate licensure suspension  
24 and revocation proceedings as authorized by law. If the  
25 receipt of the record of conviction or finding of child abuse  
26 is received within 6 months after the initial grant of or

1 renewal of a license, the State Superintendent of Education  
2 may rescind the license holder's license.

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

1 wanton misconduct, any superintendent who provides  
2 notification as required in this subsection (e-5) shall have  
3 immunity from any liability, whether civil or criminal or that  
4 otherwise might result by reason of such action.

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

26 (f-5) Upon request of a school or school district, any

1 information obtained by the school district pursuant to  
2 subsection (f) of this Section within the last year must be  
3 made available to the requesting school or school district.

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



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

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

19 The board may not knowingly allow a person to student  
20 teach who has been convicted of any offense that would subject  
21 him or her to license suspension or revocation pursuant to  
22 subsection (c) of Section 21B-80 of this Code, except as  
23 provided under subsection (b) of Section 21B-80. Further, the  
24 board may not allow a person to student teach if he or she has  
25 been found to be the perpetrator of sexual or physical abuse of  
26 a minor under 18 years of age pursuant to proceedings under

1 Article II of the Juvenile Court Act of 1987. The board must  
2 consider the status of a person to student teach who has been  
3 issued an indicated finding of abuse or neglect of a child by  
4 the Department of Children and Family Services under the  
5 Abused and Neglected Child Reporting Act or by a child welfare  
6 agency of another jurisdiction.

7 (h) (Blank).

8 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
9 101-643, eff. 6-18-20.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.