



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4316

Introduced 1/5/2022, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
105 ILCS 5/22-85.10 new	
105 ILCS 5/22-94 new	
105 ILCS 5/27A-5	
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5
820 ILCS 40/8	from Ch. 48, par. 2008

Amends the School Code. Requires the superintendent of an employing school board to notify the State Superintendent of Education and applicable regional superintendent of schools if the superintendent has reasonable cause to believe that a license holder committed an act of sexual misconduct that resulted in the license holder's dismissal or resignation from the school district. Requires a public or nonpublic school or independent contractor to conduct an employment history review of certain applicants for employment. Requires the governing body of each school district, charter school, or nonpublic school to adopt a policy under which notice concerning an alleged act of sexual misconduct between an educator and a student is provided to the parent or guardian of that student. Sets forth the information that must be included in the notice. Amends the Personnel Record Review Act. Specifies that provisions requiring an employer to review and delete records concerning disciplinary actions that are more than 4 years old do not apply to a school district sharing information related to an incident or attempted incident of sexual misconduct. Effective immediately.

LRB102 20411 CMG 29271 b

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, 27A-5, and 34-18.5 and by adding Sections 22-85.10
6 and 22-94 as follows:

7 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

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

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

1 check, records of convictions, forever and hereinafter, until
2 expunged, to the president of the school board for the school
3 district that requested the check, or to the regional
4 superintendent who requested the check. The Illinois State
5 Police shall charge the school district or the appropriate
6 regional superintendent a fee for conducting such check, which
7 fee shall be deposited in the State Police Services Fund and
8 shall not exceed the cost of the inquiry; and the applicant
9 shall not be charged a fee for such check by the school
10 district or by the regional superintendent, except that those
11 applicants seeking employment as a substitute teacher with a
12 school district may be charged a fee not to exceed the cost of
13 the inquiry. Subject to appropriations for these purposes, the
14 State Superintendent of Education shall reimburse school
15 districts and regional superintendents for fees paid to obtain
16 criminal history records checks under this 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 Illinois State Police by the regional superintendent, the
16 State Board of Education and a school district as authorized
17 under subsection (b-5), the State Superintendent of Education,
18 the State Educator Preparation and Licensure Board, any other
19 person necessary to the decision of hiring the applicant for
20 employment, or for clarification purposes the Illinois State
21 Police or Statewide Sex Offender Database, or both. A copy of
22 the record of convictions obtained from the Illinois State
23 Police shall be provided to the applicant for employment. Upon
24 the check of the Statewide Sex Offender Database or Statewide
25 Murderer and Violent Offender Against Youth Database, the
26 school district or regional superintendent shall notify an

1 applicant as to whether or not the applicant has been
2 identified in the Database. If a check of an applicant for
3 employment as a substitute or concurrent part-time teacher or
4 concurrent educational support personnel employee in more than
5 one school district was requested by the regional
6 superintendent, and the Illinois State Police upon a check
7 ascertains that the applicant has not been convicted of any of
8 the enumerated criminal or drug offenses in subsection (c) of
9 this Section or has not been convicted, within 7 years of the
10 application for employment with the school district, of any
11 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 Illinois State Police the applicant has not
22 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 Illinois State Police and its own check
14 of the Statewide Sex Offender Database or Statewide Murderer
15 and Violent Offender Against Youth Database as provided in
16 this Section. Any unauthorized release of confidential
17 information may be a violation of Section 7 of the Criminal
18 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.

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

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

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

1 superintendent, regional office of education, or entity must
2 notify the State Superintendent of Education of the pending
3 criminal charge.

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

22 (e-5) The superintendent of the employing school board
23 shall, in writing, notify the State Superintendent of
24 Education and the applicable regional superintendent of
25 schools of any license holder whom he or she has reasonable
26 cause to believe has committed (i) an intentional act of abuse

1 or neglect with the result of making a child an abused child or
2 a neglected child, as defined in Section 3 of the Abused and
3 Neglected Child Reporting Act, or (ii) an act of sexual
4 misconduct, as defined in Section 22-85.5 of this Code, and
5 that act resulted in the license holder's dismissal or
6 resignation from the school district. This notification must
7 be submitted within 30 days after the dismissal or resignation
8 and must include the Illinois Educator Identification Number
9 (IEIN) of the license holder and a brief description of the
10 misconduct alleged. The license holder must also be
11 contemporaneously sent a copy of the notice by the
12 superintendent. All correspondence, documentation, and other
13 information so received by the regional superintendent of
14 schools, the State Superintendent of Education, the State
15 Board of Education, or the State Educator Preparation and
16 Licensure Board under this subsection (e-5) is confidential
17 and must not be disclosed to third parties, except (i) as
18 necessary for the State Superintendent of Education or his or
19 her designee to investigate and prosecute pursuant to Article
20 21B of this Code, (ii) pursuant to a court order, (iii) for
21 disclosure to the license holder or his or her representative,
22 or (iv) as otherwise provided in this Article and provided
23 that any such information admitted into evidence in a hearing
24 is exempt from this confidentiality and non-disclosure
25 requirement. Except for an act of willful or wanton
26 misconduct, any superintendent who provides notification as

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

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

25 (f-5) Upon request of a school or school district, any
26 information obtained by a school district pursuant to

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

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

1 Database, as authorized by the Murderer and Violent Offender
2 Against Youth Registration Act, for each student teacher. No
3 school board may knowingly allow a person to student teach for
4 whom a criminal history records check, a Statewide Sex
5 Offender Database check, and a Statewide Murderer and Violent
6 Offender Against Youth Database check have not been completed
7 and reviewed by the district.

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

20 No school board shall knowingly allow a person to student
21 teach who has been convicted of any offense that would subject
22 him or her to license suspension or revocation pursuant to
23 subsection (c) of Section 21B-80 of this Code, except as
24 provided under subsection (b) of Section 21B-80. Further, no
25 school board shall allow a person to student teach if he or she
26 has been found to be the perpetrator of sexual or physical

1 abuse of a minor under 18 years of age pursuant to proceedings
2 under Article II of the Juvenile Court Act of 1987. Each school
3 board must consider the status of a person to student teach who
4 has been issued an indicated finding of abuse or neglect of a
5 child by the Department of Children and Family Services under
6 the Abused and Neglected Child Reporting Act or by a child
7 welfare agency of another jurisdiction.

8 (h) (Blank).

9 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
10 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
11 1-1-22; revised 10-6-21.)

12 (105 ILCS 5/22-85.10 new)

13 Sec. 22-85.10. Parental notification of sexual misconduct.

14 (a) In this Section, "sexual misconduct" has the meaning
15 ascribed to that term in Section 22-85.5 of this Code.

16 (b) The governing body of each school district, charter
17 school, or nonpublic school shall adopt a policy under which
18 notice of all the following information is provided to the
19 parent or guardian of a student with whom an educator is
20 alleged to have engaged in an act of sexual misconduct:

21 (1) That an act of sexual misconduct allegedly
22 occurred between the educator and the student.

23 (2) Whether a report concerning the alleged act of
24 sexual misconduct was submitted to the State
25 Superintendent of Education and the appropriate regional

1 superintendent of schools.

2 (3) Whether the educator resigned before completion of
3 an investigation into the alleged act of sexual misconduct
4 or was removed or dismissed following completion of the
5 investigation.

6 (c) The policy adopted under this Section must require
7 that the information under paragraph (1) of subsection (b) be
8 provided as soon as feasible after the governing body becomes
9 aware that an act of sexual misconduct may have occurred.

10 (105 ILCS 5/22-94 new)

11 Sec. 22-94. Employment history review.

12 (a) This Section applies to all positions for employment
13 with a school or an independent contractor of a school
14 involving direct contact with children or students.

15 (b) In this Section:

16 "Abuse" means conduct that falls under the purview and
17 reporting requirements of the Abused and Neglected Child
18 Reporting Act and is directed toward or against a child or
19 student.

20 "Direct contact with children or students" means the
21 possibility of care, supervision, guidance, or control of
22 children or students or routine interaction with children or
23 students.

24 "School" means a public or nonpublic elementary or
25 secondary school.

1 "Sexual misconduct" means any act, including, but not
2 limited to, any verbal, nonverbal, written, or electronic
3 communication or physical activity, directed toward or with a
4 child or student, regardless of the age of the child or
5 student, that is designed to establish a romantic or sexual
6 relationship with the child or student. Such an act includes,
7 but is not limited to, any of the following:

8 (1) A sexual or romantic invitation.

9 (2) Dating or soliciting a date.

10 (3) Engaging in sexualized or romantic dialog.

11 (4) Making sexually suggestive comments.

12 (5) Self-disclosure or physical exposure of a sexual,
13 romantic, or erotic nature.

14 (6) Any sexual, indecent, romantic, or erotic contact
15 with a child or student.

16 (c) Before a school or independent contractor may offer
17 employment to an applicant who would be employed by or in a
18 school in a position involving direct contact with children or
19 students, the school or independent contractor shall do all of
20 the following:

21 (1) Require the applicant to provide all of the
22 following on a standardized form developed and made
23 available by the State Board of Education:

24 (A) A list, including the name, address, and
25 telephone number and other relevant contact
26 information, of:

1 (i) the applicant's current employer;

2 (ii) all former employers of the applicant
3 that were schools; and

4 (iii) all former employers of the applicant in
5 which the applicant was employed in a position
6 that involved direct contact with children or
7 students.

8 (B) A written authorization that consents to and
9 authorizes disclosure by the applicant's current and
10 former employers under subparagraph (A) of this
11 paragraph (1) of the information requested under
12 paragraph (2) of this subsection (c) and the release
13 of related records and that releases those employers
14 from any liability that may arise from such disclosure
15 or release of records pursuant to subsection (e).

16 (C) A written statement of whether the applicant:

17 (i) has been the subject of an abuse or sexual
18 misconduct investigation by an employer, State
19 licensing agency, law enforcement agency, or child
20 protective services agency, unless the
21 investigation resulted in a finding that an
22 allegation was false, unfounded, unsubstantiated,
23 or inconclusive;

24 (ii) has ever been discharged from, been asked
25 to resign from, resigned from, or otherwise been
26 separated from any employment, has ever been

1 disciplined by an employer, or has ever had an
2 employment contract not renewed while an
3 allegation of abuse or sexual misconduct as
4 described in clause (i) of this subparagraph (C)
5 was pending or under investigation or due to an
6 adjudication or finding of abuse or sexual
7 misconduct as described in clause (i) of this
8 subparagraph (C); or

9 (iii) has ever had a license or certificate
10 suspended, surrendered, or revoked while an
11 allegation of abuse or sexual misconduct as
12 described in clause (i) of this subparagraph (C)
13 was pending or under investigation or due to an
14 adjudication or finding of abuse or sexual
15 misconduct as described in clause (i) of this
16 subparagraph (C).

17 (2) Conduct a review of the employment history of the
18 applicant by contacting those employers listed by the
19 applicant under subparagraph (A) of paragraph (1) of this
20 subsection (c) and requesting all of the following
21 information on a standardized form developed and made
22 available by the State Board of Education:

23 (A) The dates of employment of the applicant.

24 (B) A statement as to whether the applicant:

25 (i) was the subject of an abuse or sexual
26 misconduct investigation by an employer, State

1 licensing agency, law enforcement agency, or child
2 protective services agency, unless the
3 investigation resulted in a finding that an
4 allegation was false, unfounded, unsubstantiated,
5 or inconclusive;

6 (ii) was discharged from, was asked to resign
7 from, resigned from, or was otherwise separated
8 from any employment, was disciplined by an
9 employer, or had an employment contract not
10 renewed while an allegation of abuse or sexual
11 misconduct as described in clause (i) of this
12 subparagraph (B) was pending or under
13 investigation or due to an adjudication or finding
14 of abuse or sexual misconduct as described in
15 clause (i) of this subparagraph (B); or

16 (iii) has ever had a license or certificate
17 suspended, surrendered, or revoked while an
18 allegation of abuse or sexual misconduct as
19 described in clause (i) of this subparagraph (B)
20 was pending or under investigation or due to an
21 adjudication or finding of abuse or sexual
22 misconduct as described in clause (i) of this
23 subparagraph (B).

24 (3) Check the eligibility for employment or
25 certification or licensure status of an applicant for a
26 position involving direct contact with children or

1 students to determine whether the applicant holds valid
2 and active certification or licensure appropriate for the
3 position and is otherwise eligible for employment and
4 whether the applicant has been the subject of public
5 professional discipline.

6 (4) Inquire whether the State Board of Education has
7 received notification of pending criminal charges against
8 the applicant.

9 (d) An applicant who provides false information or
10 willfully fails to disclose information required in subsection
11 (c) shall be subject to discipline, up to and including
12 termination or denial of employment, and may be subject to
13 criminal prosecution under the Criminal Code of 2012 and civil
14 penalties and professional discipline in accordance with
15 subsection (m).

16 (e) No later than 20 days after receiving a request for
17 information required under paragraph (2) of subsection (b), an
18 employer who has or had an employment relationship with the
19 applicant shall disclose the information requested. The
20 employer shall disclose the information on a standardized form
21 developed by the State Board of Education.

22 After reviewing the information initially disclosed under
23 this subsection (e) and finding an affirmative response under
24 subparagraph (C) of paragraph (1) of subsection (c) or
25 subparagraph (B) of paragraph (2) of subsection (c), if the
26 prospective employing school or independent contractor makes a

1 determination to further consider the applicant for
2 employment, the school or independent contractor shall request
3 that former employers provide additional information about the
4 matters disclosed and all related records. Former employers
5 shall provide the additional information requested no later
6 than 60 days after the prospective employer's request.

7 Information received under this Section shall not be
8 deemed a public record.

9 A school or independent contractor who receives
10 information under this subsection (e) may use the information
11 for the purpose of evaluating an applicant's fitness to be
12 hired or for continued employment and may report the
13 information, as appropriate, to the State Board of Education,
14 a State licensing agency, a law enforcement agency, a child
15 protective services agency, another school or independent
16 contractor, or a prospective employer.

17 An employer, school, school administrator, or independent
18 contractor who provides information or records about a current
19 or former employee or applicant under this Section is immune
20 from criminal and civil liability for the disclosure of the
21 information or records, unless the information or records
22 provided were knowingly false. This immunity shall be in
23 addition to and not a limitation on any other immunity
24 provided by law or any absolute or conditional privileges
25 applicable to the disclosure by virtue of the circumstances or
26 the applicant's consent to the disclosure.

1 Unless the laws of another state prevent the release of
2 the information or records requested or disclosure is
3 restricted by the terms of a contract entered into prior to the
4 effective date of this amendatory Act of the 102nd General
5 Assembly, the willful failure of a former employer, school,
6 school administrator, or independent contractor to respond or
7 provide the information and records requested may result in
8 civil penalties and professional discipline, if appropriate,
9 in accordance with subsection (m).

10 Notwithstanding any other provision of law to the
11 contrary, an employer, school, school administrator,
12 independent contractor, or applicant shall report and
13 disclose, in accordance with this Section, all relevant
14 information, records, and documentation that may otherwise be
15 confidential.

16 (f) A school or independent contractor may not hire an
17 applicant who does not provide the information required under
18 subsection (c) for a position involving direct contact with
19 children or students. A school or independent contractor may
20 hire an applicant on a provisional basis for a period not to
21 exceed 90 days pending the school's or independent
22 contractor's review of the information and records received
23 under this Section, provided that all of the following are
24 satisfied:

25 (1) The applicant has provided all of the information
26 and supporting documentation required under subsection

1 (c).

2 (2) The school or independent contractor has no
3 knowledge of information pertaining to the applicant that
4 would disqualify the applicant from employment.

5 (3) The applicant swears or affirms that the applicant
6 is not disqualified from employment.

7 (4) The applicant is not permitted by the school or
8 independent contractor to work alone with children or
9 students and is required to work in the immediate vicinity
10 of a permanent employee.

11 (g) Beginning on the effective date of this amendatory Act
12 of the 102nd General Assembly, a school or independent
13 contractor may not enter into a collective bargaining
14 agreement, an employment contract, an agreement for
15 resignation or termination, a severance agreement, or any
16 other contract or agreement or take any action that:

17 (1) has the effect of suppressing information
18 concerning an investigation related to a report of
19 suspected abuse or sexual misconduct by a current or
20 former employee;

21 (2) affects the ability of the school or independent
22 contractor to report suspected abuse or sexual misconduct
23 to the appropriate authorities; or

24 (3) requires the school or independent contractor to
25 expunge information about allegations or findings of
26 suspected abuse or sexual misconduct from any documents

1 maintained by the school or independent contractor,
2 unless, after an investigation, an allegation is found to
3 be false, unfounded, unsubstantiated, or inconclusive.

4 (h) Any provision of an employment contract or agreement
5 for resignation or termination or a severance agreement that
6 is executed, amended, or entered into on or after the
7 effective date of this amendatory Act of the 102nd General
8 Assembly and that is contrary to this Section is void and
9 unenforceable.

10 (i) For purposes of this subsection (i), "substitute
11 employee" does not include a school bus driver employed by an
12 independent contractor.

13 For substitute employees, all of the following apply:

14 (1) The employment history review required by this
15 Section is required only prior to the initial hiring of a
16 substitute employee or placement on the school's approved
17 substitute list and shall remain valid as long as the
18 substitute employee continues to be employed by the same
19 school or remains on the school's approved substitute
20 list.

21 (2) A substitute employee seeking to be added to
22 another school's substitute list shall undergo an
23 additional employment history review under this Section.
24 Except as otherwise provided in paragraph (3) of this
25 subsection (i), the appearance of a substitute employee on
26 one school's substitute list does not relieve another

1 school from compliance with this Section.

2 (3) An employment history review conducted upon
3 initial hiring of a substitute employee by an independent
4 contractor or any other entity that furnishes substitute
5 staffing services to schools shall satisfy the
6 requirements of this Section for all schools using the
7 services of that independent contractor or other entity.

8 (4) An independent contractor or any other entity
9 furnishing substitute staffing services to schools shall
10 comply with paragraphs (3) and (4) of subsection (j).

11 (j) For employees of independent contractors, all of the
12 following apply:

13 (1) The employment history review required by this
14 Section shall be performed, either at the time of the
15 initial hiring of an employee or prior to the assignment
16 of an existing employee to perform work for a school in a
17 position involving direct contact with children or
18 students. The review shall remain valid as long as the
19 employee remains employed by the same independent
20 contractor, even if assigned to perform work for other
21 schools.

22 (2) An independent contractor shall maintain records
23 documenting employment history reviews for all employees
24 as required by this Section and, upon request, shall
25 provide a school for whom an employee is assigned to
26 perform work access to the records pertaining to that

1 employee.

2 (3) Prior to assigning an employee to perform work for
3 a school in a position involving direct contact with
4 children or students, the independent contractor shall
5 inform the school of any instance known to the independent
6 contractor in which the employee:

7 (A) was the subject of an abuse or sexual
8 misconduct investigation by an employer, State
9 licensing agency, law enforcement authority, or child
10 protective services agency, unless the investigation
11 resulted in a finding that an allegation was false,
12 unfounded, unsubstantiated, or inconclusive;

13 (B) has ever been discharged, been asked to resign
14 from, resigned from, or otherwise been separated from
15 any employment, been removed from a substitute list,
16 been disciplined by an employer, or had an employment
17 contract not renewed while an allegation of abuse or
18 sexual misconduct as described in subparagraph (A) was
19 pending or under investigation or due to an
20 adjudication or finding of abuse or sexual misconduct
21 as described in subparagraph (A); or

22 (C) has ever had a license or certificate
23 suspended, surrendered, or revoked while an allegation
24 of abuse or sexual misconduct as described in
25 subparagraph (A) was pending or under investigation or
26 due to an adjudication or finding of abuse or sexual

1 misconduct as described in subparagraph (A).

2 (4) The independent contractor may not assign an
3 employee to perform work for a school in a position
4 involving direct contact with children or students if the
5 school objects to the assignment after being informed of
6 an instance listed in paragraph (3).

7 (k) An applicant who has undergone an employment history
8 review under this Section and seeks to transfer to or provide
9 services to another school in the same school district,
10 diocese, or religious jurisdiction or to another school
11 established and supervised by the same organization is not
12 required to obtain additional reports under this Section
13 before transferring.

14 (l) Nothing in this Section shall be construed:

15 (1) to prevent a prospective employer from conducting
16 further investigations of prospective employees or from
17 requiring applicants to provide additional background
18 information or authorizations beyond what is required
19 under this Section, nor to prevent a former employer from
20 disclosing more information than what is required under
21 this Section;

22 (2) to relieve a school, school administrator, or
23 independent contractor of any legal responsibility to
24 report abuse or sexual misconduct in accordance with State
25 and federal reporting requirements; or

26 (3) to prohibit the right of the exclusive bargaining

1 representative under a collective bargaining agreement to
2 grieve and arbitrate the validity of an employee's
3 termination or discipline for just cause.

4 (m) The State Board of Education shall have jurisdiction
5 to determine willful violations of this Section and may,
6 following a hearing, assess a civil penalty not to exceed
7 \$10,000. The Attorney General may bring an action in the
8 circuit court to enforce the collection of any monetary
9 penalty imposed under this Section.

10 A school is prohibited from contracting with an
11 independent contractor who is found to have willfully violated
12 the provisions of this Section.

13 The State Board of Education may initiate disciplinary
14 action against any applicant, employee, independent
15 contractor, or school administrator who is subject to this
16 Code for willful violations of this Section.

17 (n) The State Board of Education shall develop the forms
18 for applicants and employers required under paragraphs (1) and
19 (2) of subsection (c) and subsection (e), as well as any other
20 forms necessary to carry out the provisions of this Section.

21 (105 ILCS 5/27A-5)

22 (Text of Section before amendment by P.A. 102-157 and P.A.
23 102-466)

24 Sec. 27A-5. Charter school; legal entity; requirements.

25 (a) A charter school shall be a public, nonsectarian,

1 nonreligious, non-home based, and non-profit school. A charter
2 school shall be organized and operated as a nonprofit
3 corporation or other discrete, legal, nonprofit entity
4 authorized under the laws of the State of Illinois.

5 (b) A charter school may be established under this Article
6 by creating a new school or by converting an existing public
7 school or attendance center to charter school status.
8 Beginning on April 16, 2003 (the effective date of Public Act
9 93-3), in all new applications to establish a charter school
10 in a city having a population exceeding 500,000, operation of
11 the charter school shall be limited to one campus. The changes
12 made to this Section by Public Act 93-3 do not apply to charter
13 schools existing or approved on or before April 16, 2003 (the
14 effective date of Public Act 93-3).

15 (b-5) In this subsection (b-5), "virtual-schooling" means
16 a cyber school where students engage in online curriculum and
17 instruction via the Internet and electronic communication with
18 their teachers at remote locations and with students
19 participating at different times.

20 From April 1, 2013 through December 31, 2016, there is a
21 moratorium on the establishment of charter schools with
22 virtual-schooling components in school districts other than a
23 school district organized under Article 34 of this Code. This
24 moratorium does not apply to a charter school with
25 virtual-schooling components existing or approved prior to
26 April 1, 2013 or to the renewal of the charter of a charter

1 school with virtual-schooling components already approved
2 prior to April 1, 2013.

3 (c) A charter school shall be administered and governed by
4 its board of directors or other governing body in the manner
5 provided in its charter. The governing body of a charter
6 school shall be subject to the Freedom of Information Act and
7 the Open Meetings Act. No later than January 1, 2021 (one year
8 after the effective date of Public Act 101-291), a charter
9 school's board of directors or other governing body must
10 include at least one parent or guardian of a pupil currently
11 enrolled in the charter school who may be selected through the
12 charter school or a charter network election, appointment by
13 the charter school's board of directors or other governing
14 body, or by the charter school's Parent Teacher Organization
15 or its equivalent.

16 (c-5) No later than January 1, 2021 (one year after the
17 effective date of Public Act 101-291) or within the first year
18 of his or her first term, every voting member of a charter
19 school's board of directors or other governing body shall
20 complete a minimum of 4 hours of professional development
21 leadership training to ensure that each member has sufficient
22 familiarity with the board's or governing body's role and
23 responsibilities, including financial oversight and
24 accountability of the school, evaluating the principal's and
25 school's performance, adherence to the Freedom of Information
26 Act and the Open Meetings Act, and compliance with education

1 and labor law. In each subsequent year of his or her term, a
2 voting member of a charter school's board of directors or
3 other governing body shall complete a minimum of 2 hours of
4 professional development training in these same areas. The
5 training under this subsection may be provided or certified by
6 a statewide charter school membership association or may be
7 provided or certified by other qualified providers approved by
8 the State Board of Education.

9 (d) For purposes of this subsection (d), "non-curricular
10 health and safety requirement" means any health and safety
11 requirement created by statute or rule to provide, maintain,
12 preserve, or safeguard safe or healthful conditions for
13 students and school personnel or to eliminate, reduce, or
14 prevent threats to the health and safety of students and
15 school personnel. "Non-curricular health and safety
16 requirement" does not include any course of study or
17 specialized instructional requirement for which the State
18 Board has established goals and learning standards or which is
19 designed primarily to impart knowledge and skills for students
20 to master and apply as an outcome of their education.

21 A charter school shall comply with all non-curricular
22 health and safety requirements applicable to public schools
23 under the laws of the State of Illinois. On or before September
24 1, 2015, the State Board shall promulgate and post on its
25 Internet website a list of non-curricular health and safety
26 requirements that a charter school must meet. The list shall

1 be updated annually no later than September 1. Any charter
2 contract between a charter school and its authorizer must
3 contain a provision that requires the charter school to follow
4 the list of all non-curricular health and safety requirements
5 promulgated by the State Board and any non-curricular health
6 and safety requirements added by the State Board to such list
7 during the term of the charter. Nothing in this subsection (d)
8 precludes an authorizer from including non-curricular health
9 and safety requirements in a charter school contract that are
10 not contained in the list promulgated by the State Board,
11 including non-curricular health and safety requirements of the
12 authorizing local school board.

13 (e) Except as otherwise provided in the School Code, a
14 charter school shall not charge tuition; provided that a
15 charter school may charge reasonable fees for textbooks,
16 instructional materials, and student activities.

17 (f) A charter school shall be responsible for the
18 management and operation of its fiscal affairs, including, but
19 not limited to, the preparation of its budget. An audit of each
20 charter school's finances shall be conducted annually by an
21 outside, independent contractor retained by the charter
22 school. The contractor shall not be an employee of the charter
23 school or affiliated with the charter school or its authorizer
24 in any way, other than to audit the charter school's finances.
25 To ensure financial accountability for the use of public
26 funds, on or before December 1 of every year of operation, each

1 charter school shall submit to its authorizer and the State
2 Board a copy of its audit and a copy of the Form 990 the
3 charter school filed that year with the federal Internal
4 Revenue Service. In addition, if deemed necessary for proper
5 financial oversight of the charter school, an authorizer may
6 require quarterly financial statements from each charter
7 school.

8 (g) A charter school shall comply with all provisions of
9 this Article, the Illinois Educational Labor Relations Act,
10 all federal and State laws and rules applicable to public
11 schools that pertain to special education and the instruction
12 of English learners, and its charter. A charter school is
13 exempt from all other State laws and regulations in this Code
14 governing public schools and local school board policies;
15 however, a charter school is not exempt from the following:

16 (1) Sections 10-21.9 and 34-18.5 of this Code
17 regarding criminal history records checks and checks of
18 the Statewide Sex Offender Database and Statewide Murderer
19 and Violent Offender Against Youth Database of applicants
20 for employment;

21 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
22 34-84a of this Code regarding discipline of students;

23 (3) the Local Governmental and Governmental Employees
24 Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit
26 Corporation Act of 1986 regarding indemnification of

1 officers, directors, employees, and agents;

2 (5) the Abused and Neglected Child Reporting Act;

3 (5.5) subsection (b) of Section 10-23.12 and

4 subsection (b) of Section 34-18.6 of this Code;

5 (6) the Illinois School Student Records Act;

6 (7) Section 10-17a of this Code regarding school

7 report cards;

8 (8) the P-20 Longitudinal Education Data System Act;

9 (9) Section 27-23.7 of this Code regarding bullying

10 prevention;

11 (10) Section 2-3.162 of this Code regarding student

12 discipline reporting;

13 (11) Sections 22-80 and 27-8.1 of this Code;

14 (12) Sections 10-20.60 and 34-18.53 of this Code;

15 (13) Sections 10-20.63 and 34-18.56 of this Code;

16 (14) Section 26-18 of this Code;

17 (15) Section 22-30 of this Code;

18 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

19 (17) the Seizure Smart School Act;

20 (18) Section 2-3.64a-10 of this Code; ~~and~~

21 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~and~~

22 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~and~~

23 (21) ~~(19)~~ Section 27-9.1a of this Code;

24 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~

25 (23) ~~(21)~~ Section 34-18.8 of this Code; ~~and~~

26 (25) Section 22-85.10 of this Code.

1 The change made by Public Act 96-104 to this subsection
2 (g) is declaratory of existing law.

3 (h) A charter school may negotiate and contract with a
4 school district, the governing body of a State college or
5 university or public community college, or any other public or
6 for-profit or nonprofit private entity for: (i) the use of a
7 school building and grounds or any other real property or
8 facilities that the charter school desires to use or convert
9 for use as a charter school site, (ii) the operation and
10 maintenance thereof, and (iii) the provision of any service,
11 activity, or undertaking that the charter school is required
12 to perform in order to carry out the terms of its charter.
13 However, a charter school that is established on or after
14 April 16, 2003 (the effective date of Public Act 93-3) and that
15 operates in a city having a population exceeding 500,000 may
16 not contract with a for-profit entity to manage or operate the
17 school during the period that commences on April 16, 2003 (the
18 effective date of Public Act 93-3) and concludes at the end of
19 the 2004-2005 school year. Except as provided in subsection
20 (i) of this Section, a school district may charge a charter
21 school reasonable rent for the use of the district's
22 buildings, grounds, and facilities. Any services for which a
23 charter school contracts with a school district shall be
24 provided by the district at cost. Any services for which a
25 charter school contracts with a local school board or with the
26 governing body of a State college or university or public

1 community college shall be provided by the public entity at
2 cost.

3 (i) In no event shall a charter school that is established
4 by converting an existing school or attendance center to
5 charter school status be required to pay rent for space that is
6 deemed available, as negotiated and provided in the charter
7 agreement, in school district facilities. However, all other
8 costs for the operation and maintenance of school district
9 facilities that are used by the charter school shall be
10 subject to negotiation between the charter school and the
11 local school board and shall be set forth in the charter.

12 (j) A charter school may limit student enrollment by age
13 or grade level.

14 (k) If the charter school is approved by the State Board or
15 Commission, then the charter school is its own local education
16 agency.

17 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
18 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
19 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-360,
20 eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21;
21 102-558, eff. 8-20-21; revised 10-5-21.)

22 (Text of Section after amendment by P.A. 102-157 but
23 before amendment by P.A. 102-466)

24 Sec. 27A-5. Charter school; legal entity; requirements.

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2 school shall be organized and operated as a nonprofit
3 corporation or other discrete, legal, nonprofit entity
4 authorized under the laws of the State of Illinois.

5 (b) A charter school may be established under this Article
6 by creating a new school or by converting an existing public
7 school or attendance center to charter school status.
8 Beginning on April 16, 2003 (the effective date of Public Act
9 93-3), in all new applications to establish a charter school
10 in a city having a population exceeding 500,000, operation of
11 the charter school shall be limited to one campus. The changes
12 made to this Section by Public Act 93-3 do not apply to charter
13 schools existing or approved on or before April 16, 2003 (the
14 effective date of Public Act 93-3).

15 (b-5) In this subsection (b-5), "virtual-schooling" means
16 a cyber school where students engage in online curriculum and
17 instruction via the Internet and electronic communication with
18 their teachers at remote locations and with students
19 participating at different times.

20 From April 1, 2013 through December 31, 2016, there is a
21 moratorium on the establishment of charter schools with
22 virtual-schooling components in school districts other than a
23 school district organized under Article 34 of this Code. This
24 moratorium does not apply to a charter school with
25 virtual-schooling components existing or approved prior to
26 April 1, 2013 or to the renewal of the charter of a charter

1 school with virtual-schooling components already approved
2 prior to April 1, 2013.

3 (c) A charter school shall be administered and governed by
4 its board of directors or other governing body in the manner
5 provided in its charter. The governing body of a charter
6 school shall be subject to the Freedom of Information Act and
7 the Open Meetings Act. No later than January 1, 2021 (one year
8 after the effective date of Public Act 101-291), a charter
9 school's board of directors or other governing body must
10 include at least one parent or guardian of a pupil currently
11 enrolled in the charter school who may be selected through the
12 charter school or a charter network election, appointment by
13 the charter school's board of directors or other governing
14 body, or by the charter school's Parent Teacher Organization
15 or its equivalent.

16 (c-5) No later than January 1, 2021 (one year after the
17 effective date of Public Act 101-291) or within the first year
18 of his or her first term, every voting member of a charter
19 school's board of directors or other governing body shall
20 complete a minimum of 4 hours of professional development
21 leadership training to ensure that each member has sufficient
22 familiarity with the board's or governing body's role and
23 responsibilities, including financial oversight and
24 accountability of the school, evaluating the principal's and
25 school's performance, adherence to the Freedom of Information
26 Act and the Open Meetings Act, and compliance with education

1 and labor law. In each subsequent year of his or her term, a
2 voting member of a charter school's board of directors or
3 other governing body shall complete a minimum of 2 hours of
4 professional development training in these same areas. The
5 training under this subsection may be provided or certified by
6 a statewide charter school membership association or may be
7 provided or certified by other qualified providers approved by
8 the State Board of Education.

9 (d) For purposes of this subsection (d), "non-curricular
10 health and safety requirement" means any health and safety
11 requirement created by statute or rule to provide, maintain,
12 preserve, or safeguard safe or healthful conditions for
13 students and school personnel or to eliminate, reduce, or
14 prevent threats to the health and safety of students and
15 school personnel. "Non-curricular health and safety
16 requirement" does not include any course of study or
17 specialized instructional requirement for which the State
18 Board has established goals and learning standards or which is
19 designed primarily to impart knowledge and skills for students
20 to master and apply as an outcome of their education.

21 A charter school shall comply with all non-curricular
22 health and safety requirements applicable to public schools
23 under the laws of the State of Illinois. On or before September
24 1, 2015, the State Board shall promulgate and post on its
25 Internet website a list of non-curricular health and safety
26 requirements that a charter school must meet. The list shall

1 be updated annually no later than September 1. Any charter
2 contract between a charter school and its authorizer must
3 contain a provision that requires the charter school to follow
4 the list of all non-curricular health and safety requirements
5 promulgated by the State Board and any non-curricular health
6 and safety requirements added by the State Board to such list
7 during the term of the charter. Nothing in this subsection (d)
8 precludes an authorizer from including non-curricular health
9 and safety requirements in a charter school contract that are
10 not contained in the list promulgated by the State Board,
11 including non-curricular health and safety requirements of the
12 authorizing local school board.

13 (e) Except as otherwise provided in the School Code, a
14 charter school shall not charge tuition; provided that a
15 charter school may charge reasonable fees for textbooks,
16 instructional materials, and student activities.

17 (f) A charter school shall be responsible for the
18 management and operation of its fiscal affairs, including, but
19 not limited to, the preparation of its budget. An audit of each
20 charter school's finances shall be conducted annually by an
21 outside, independent contractor retained by the charter
22 school. The contractor shall not be an employee of the charter
23 school or affiliated with the charter school or its authorizer
24 in any way, other than to audit the charter school's finances.
25 To ensure financial accountability for the use of public
26 funds, on or before December 1 of every year of operation, each

1 charter school shall submit to its authorizer and the State
2 Board a copy of its audit and a copy of the Form 990 the
3 charter school filed that year with the federal Internal
4 Revenue Service. In addition, if deemed necessary for proper
5 financial oversight of the charter school, an authorizer may
6 require quarterly financial statements from each charter
7 school.

8 (g) A charter school shall comply with all provisions of
9 this Article, the Illinois Educational Labor Relations Act,
10 all federal and State laws and rules applicable to public
11 schools that pertain to special education and the instruction
12 of English learners, and its charter. A charter school is
13 exempt from all other State laws and regulations in this Code
14 governing public schools and local school board policies;
15 however, a charter school is not exempt from the following:

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17 regarding criminal history records checks and checks of
18 the Statewide Sex Offender Database and Statewide Murderer
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22 34-84a of this Code regarding discipline of students;

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24 Tort Immunity Act;

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26 Corporation Act of 1986 regarding indemnification of

1 officers, directors, employees, and agents;

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16 (14) Sections 22-90 and 26-18 of this Code;

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1 The change made by Public Act 96-104 to this subsection
2 (g) is declaratory of existing law.

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4 school district, the governing body of a State college or
5 university or public community college, or any other public or
6 for-profit or nonprofit private entity for: (i) the use of a
7 school building and grounds or any other real property or
8 facilities that the charter school desires to use or convert
9 for use as a charter school site, (ii) the operation and
10 maintenance thereof, and (iii) the provision of any service,
11 activity, or undertaking that the charter school is required
12 to perform in order to carry out the terms of its charter.
13 However, a charter school that is established on or after
14 April 16, 2003 (the effective date of Public Act 93-3) and that
15 operates in a city having a population exceeding 500,000 may
16 not contract with a for-profit entity to manage or operate the
17 school during the period that commences on April 16, 2003 (the
18 effective date of Public Act 93-3) and concludes at the end of
19 the 2004-2005 school year. Except as provided in subsection
20 (i) of this Section, a school district may charge a charter
21 school reasonable rent for the use of the district's
22 buildings, grounds, and facilities. Any services for which a
23 charter school contracts with a school district shall be
24 provided by the district at cost. Any services for which a
25 charter school contracts with a local school board or with the
26 governing body of a State college or university or public

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2 cost.

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4 by converting an existing school or attendance center to
5 charter school status be required to pay rent for space that is
6 deemed available, as negotiated and provided in the charter
7 agreement, in school district facilities. However, all other
8 costs for the operation and maintenance of school district
9 facilities that are used by the charter school shall be
10 subject to negotiation between the charter school and the
11 local school board and shall be set forth in the charter.

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13 or grade level.

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15 Commission, then the charter school is its own local education
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17 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
18 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
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20 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
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13 schools existing or approved on or before April 16, 2003 (the
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21 moratorium on the establishment of charter schools with
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23 school district organized under Article 34 of this Code. This
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25 virtual-schooling components existing or approved prior to
26 April 1, 2013 or to the renewal of the charter of a charter

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9 school's board of directors or other governing body must
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14 body, or by the charter school's Parent Teacher Organization
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16 (c-5) No later than January 1, 2021 (one year after the
17 effective date of Public Act 101-291) or within the first year
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19 school's board of directors or other governing body shall
20 complete a minimum of 4 hours of professional development
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22 familiarity with the board's or governing body's role and
23 responsibilities, including financial oversight and
24 accountability of the school, evaluating the principal's and
25 school's performance, adherence to the Freedom of Information
26 Act and the Open Meetings Act, and compliance with education

1 and labor law. In each subsequent year of his or her term, a
2 voting member of a charter school's board of directors or
3 other governing body shall complete a minimum of 2 hours of
4 professional development training in these same areas. The
5 training under this subsection may be provided or certified by
6 a statewide charter school membership association or may be
7 provided or certified by other qualified providers approved by
8 the State Board of Education.

9 (d) For purposes of this subsection (d), "non-curricular
10 health and safety requirement" means any health and safety
11 requirement created by statute or rule to provide, maintain,
12 preserve, or safeguard safe or healthful conditions for
13 students and school personnel or to eliminate, reduce, or
14 prevent threats to the health and safety of students and
15 school personnel. "Non-curricular health and safety
16 requirement" does not include any course of study or
17 specialized instructional requirement for which the State
18 Board has established goals and learning standards or which is
19 designed primarily to impart knowledge and skills for students
20 to master and apply as an outcome of their education.

21 A charter school shall comply with all non-curricular
22 health and safety requirements applicable to public schools
23 under the laws of the State of Illinois. On or before September
24 1, 2015, the State Board shall promulgate and post on its
25 Internet website a list of non-curricular health and safety
26 requirements that a charter school must meet. The list shall

1 be updated annually no later than September 1. Any charter
2 contract between a charter school and its authorizer must
3 contain a provision that requires the charter school to follow
4 the list of all non-curricular health and safety requirements
5 promulgated by the State Board and any non-curricular health
6 and safety requirements added by the State Board to such list
7 during the term of the charter. Nothing in this subsection (d)
8 precludes an authorizer from including non-curricular health
9 and safety requirements in a charter school contract that are
10 not contained in the list promulgated by the State Board,
11 including non-curricular health and safety requirements of the
12 authorizing local school board.

13 (e) Except as otherwise provided in the School Code, a
14 charter school shall not charge tuition; provided that a
15 charter school may charge reasonable fees for textbooks,
16 instructional materials, and student activities.

17 (f) A charter school shall be responsible for the
18 management and operation of its fiscal affairs, including, but
19 not limited to, the preparation of its budget. An audit of each
20 charter school's finances shall be conducted annually by an
21 outside, independent contractor retained by the charter
22 school. The contractor shall not be an employee of the charter
23 school or affiliated with the charter school or its authorizer
24 in any way, other than to audit the charter school's finances.
25 To ensure financial accountability for the use of public
26 funds, on or before December 1 of every year of operation, each

1 charter school shall submit to its authorizer and the State
2 Board a copy of its audit and a copy of the Form 990 the
3 charter school filed that year with the federal Internal
4 Revenue Service. In addition, if deemed necessary for proper
5 financial oversight of the charter school, an authorizer may
6 require quarterly financial statements from each charter
7 school.

8 (g) A charter school shall comply with all provisions of
9 this Article, the Illinois Educational Labor Relations Act,
10 all federal and State laws and rules applicable to public
11 schools that pertain to special education and the instruction
12 of English learners, and its charter. A charter school is
13 exempt from all other State laws and regulations in this Code
14 governing public schools and local school board policies;
15 however, a charter school is not exempt from the following:

16 (1) Sections 10-21.9 and 34-18.5 of this Code
17 regarding criminal history records checks and checks of
18 the Statewide Sex Offender Database and Statewide Murderer
19 and Violent Offender Against Youth Database of applicants
20 for employment;

21 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
22 34-84a of this Code regarding discipline of students;

23 (3) the Local Governmental and Governmental Employees
24 Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit
26 Corporation Act of 1986 regarding indemnification of

1 officers, directors, employees, and agents;

2 (5) the Abused and Neglected Child Reporting Act;

3 (5.5) subsection (b) of Section 10-23.12 and

4 subsection (b) of Section 34-18.6 of this Code;

5 (6) the Illinois School Student Records Act;

6 (7) Section 10-17a of this Code regarding school

7 report cards;

8 (8) the P-20 Longitudinal Education Data System Act;

9 (9) Section 27-23.7 of this Code regarding bullying

10 prevention;

11 (10) Section 2-3.162 of this Code regarding student

12 discipline reporting;

13 (11) Sections 22-80 and 27-8.1 of this Code;

14 (12) Sections 10-20.60 and 34-18.53 of this Code;

15 (13) Sections 10-20.63 and 34-18.56 of this Code;

16 (14) Sections 22-90 and 26-18 of this Code;

17 (15) Section 22-30 of this Code;

18 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

19 (17) the Seizure Smart School Act;

20 (18) Section 2-3.64a-10 of this Code; ~~and~~

21 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~;~~

22 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~;~~

23 (21) ~~(19)~~ Section 27-9.1a of this Code;

24 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~

25 (23) ~~(21)~~ Section 34-18.8 of this Code; ~~;~~

26 (24) ~~(19)~~ Article 26A of this Code; ~~and;~~

1 (25) Section 22-85.10 of this Code.

2 The change made by Public Act 96-104 to this subsection
3 (g) is declaratory of existing law.

4 (h) A charter school may negotiate and contract with a
5 school district, the governing body of a State college or
6 university or public community college, or any other public or
7 for-profit or nonprofit private entity for: (i) the use of a
8 school building and grounds or any other real property or
9 facilities that the charter school desires to use or convert
10 for use as a charter school site, (ii) the operation and
11 maintenance thereof, and (iii) the provision of any service,
12 activity, or undertaking that the charter school is required
13 to perform in order to carry out the terms of its charter.
14 However, a charter school that is established on or after
15 April 16, 2003 (the effective date of Public Act 93-3) and that
16 operates in a city having a population exceeding 500,000 may
17 not contract with a for-profit entity to manage or operate the
18 school during the period that commences on April 16, 2003 (the
19 effective date of Public Act 93-3) and concludes at the end of
20 the 2004-2005 school year. Except as provided in subsection
21 (i) of this Section, a school district may charge a charter
22 school reasonable rent for the use of the district's
23 buildings, grounds, and facilities. Any services for which a
24 charter school contracts with a school district shall be
25 provided by the district at cost. Any services for which a
26 charter school contracts with a local school board or with the

1 governing body of a State college or university or public
2 community college shall be provided by the public entity at
3 cost.

4 (i) In no event shall a charter school that is established
5 by converting an existing school or attendance center to
6 charter school status be required to pay rent for space that is
7 deemed available, as negotiated and provided in the charter
8 agreement, in school district facilities. However, all other
9 costs for the operation and maintenance of school district
10 facilities that are used by the charter school shall be
11 subject to negotiation between the charter school and the
12 local school board and shall be set forth in the charter.

13 (j) A charter school may limit student enrollment by age
14 or grade level.

15 (k) If the charter school is approved by the State Board or
16 Commission, then the charter school is its own local education
17 agency.

18 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
19 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
20 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
21 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
22 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
23 8-20-21; revised 10-5-21.)

24 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

25 Sec. 34-18.5. Criminal history records checks and checks

1 of the Statewide Sex Offender Database and Statewide Murderer
2 and Violent Offender Against Youth Database.

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

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

1 Education shall reimburse the school district and regional
2 superintendent for fees paid to obtain criminal history
3 records checks under this Section.

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

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

21 (b) Any information concerning the record of convictions
22 obtained by the president of the board of education or the
23 regional superintendent shall be confidential and may only be
24 transmitted to the general superintendent of the school
25 district or his designee, the appropriate regional
26 superintendent if the check was requested by the board of

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

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

1 of the Statewide Sex Offender Database or Statewide Murderer
2 and Violent Offender Against Youth Database as provided in
3 this Section. Any unauthorized release of confidential
4 information may be a violation of Section 7 of the Criminal
5 Identification Act.

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

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

1 employment, the board of education must consider the status of
2 a person who has been issued an indicated finding of abuse or
3 neglect of a child by the Department of Children and Family
4 Services under the Abused and Neglected Child Reporting Act or
5 by a child welfare agency of another jurisdiction.

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

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

17 No later than 15 business days after receipt of a record of
18 conviction or of checking the Statewide Murderer and Violent
19 Offender Against Youth Database or the Statewide Sex Offender
20 Database and finding a registration, the general
21 superintendent of schools or the applicable regional
22 superintendent shall, in writing, notify the State
23 Superintendent of Education of any license holder who has been
24 convicted of a crime set forth in Section 21B-80 of this Code.
25 Upon receipt of the record of a conviction of or a finding of
26 child abuse by a holder of any license issued pursuant to

1 Article 21B or Section 34-8.1 or 34-83 of this Code, the State
2 Superintendent of Education may initiate licensure suspension
3 and revocation proceedings as authorized by law. If the
4 receipt of the record of conviction or finding of child abuse
5 is received within 6 months after the initial grant of or
6 renewal of a license, the State Superintendent of Education
7 may rescind the license holder's license.

8 (e-5) The general superintendent of schools shall, in
9 writing, notify the State Superintendent of Education of any
10 license holder whom he or she has reasonable cause to believe
11 has committed (i) an intentional act of abuse or neglect with
12 the result of making a child an abused child or a neglected
13 child, as defined in Section 3 of the Abused and Neglected
14 Child Reporting Act or (ii) an act of sexual misconduct, as
15 defined in Section 22-85.5 of this Code, and that act resulted
16 in the license holder's dismissal or resignation from the
17 school district and must include the Illinois Educator
18 Identification Number (IEIN) of the license holder and a brief
19 description of the misconduct alleged. This notification must
20 be submitted within 30 days after the dismissal or
21 resignation. The license holder must also be contemporaneously
22 sent a copy of the notice by the superintendent. All
23 correspondence, documentation, and other information so
24 received by the State Superintendent of Education, the State
25 Board of Education, or the State Educator Preparation and
26 Licensure Board under this subsection (e-5) is confidential

1 and must not be disclosed to third parties, except (i) as
2 necessary for the State Superintendent of Education or his or
3 her designee to investigate and prosecute pursuant to Article
4 21B of this Code, (ii) pursuant to a court order, (iii) for
5 disclosure to the license holder or his or her representative,
6 or (iv) as otherwise provided in this Article and provided
7 that any such information admitted into evidence in a hearing
8 is exempt from this confidentiality and non-disclosure
9 requirement. Except for an act of willful or wanton
10 misconduct, any superintendent who provides notification as
11 required in this subsection (e-5) shall have immunity from any
12 liability, whether civil or criminal or that otherwise might
13 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
21 Sex 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 Illinois State Police and for
3 conducting a check of the Statewide Sex Offender Database for
4 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
21 the student teacher's name, sex, race, date of birth, social
22 security number, fingerprint images, and other identifiers, as
23 prescribed by the Illinois State Police, to the Illinois State
24 Police. The Illinois 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 board. The Illinois State Police 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
13 Offender Database check, and a Statewide Murderer and Violent
14 Offender Against Youth Database check have not been completed
15 and reviewed by the district.

16 A copy of the record of convictions obtained from the
17 Illinois State Police must be provided to the student teacher.
18 Any information concerning the record of convictions obtained
19 by the president of the board is confidential and may only be
20 transmitted to the general superintendent of schools or his or
21 her designee, the State Superintendent of Education, the State
22 Educator Preparation and Licensure Board, or, for
23 clarification purposes, the Illinois 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
3 teach who has been convicted of any offense that would subject
4 him or her to license suspension or revocation pursuant to
5 subsection (c) of Section 21B-80 of this Code, except as
6 provided under subsection (b) of Section 21B-80. Further, the
7 board may not allow a person to student teach if he or she has
8 been found to be the perpetrator of sexual or physical abuse of
9 a minor under 18 years of age pursuant to proceedings under
10 Article II of the Juvenile Court Act of 1987. The board must
11 consider the status of a person to student teach who has been
12 issued an indicated finding of abuse or neglect of a child by
13 the Department of Children and Family Services under the
14 Abused and Neglected Child Reporting Act or by a child welfare
15 agency of another jurisdiction.

16 (h) (Blank).

17 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
18 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
19 1-1-22; revised 10-18-21.)

20 Section 10. The Personnel Record Review Act is amended by
21 changing Section 8 as follows:

22 (820 ILCS 40/8) (from Ch. 48, par. 2008)

23 Sec. 8. An employer shall review a personnel record before
24 releasing information to a third party and, except when the

1 release is ordered to a party in a legal action or arbitration,
2 delete disciplinary reports, letters of reprimand, or other
3 records of disciplinary action which are more than 4 years
4 old. This Section does not apply to a school district or an
5 authorized employee or agent of a school district who is
6 sharing information related to an incident or an attempted
7 incident of sexual abuse, ~~or~~ severe physical abuse, or sexual
8 misconduct.

9 (Source: P.A. 101-531, eff. 8-23-19.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

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