

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 1B-8, 1F-25, 1F-90, 2-3.146, 10-21.9, and 34-18.5 as follows:

6 (105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

7 Sec. 1B-8. There is created in the State Treasury a
8 special fund to be known as the School District Emergency
9 Financial Assistance Fund (the "Fund"). The School District
10 Emergency Financial Assistance Fund shall consist of
11 appropriations, loan repayments, grants from the federal
12 government, and donations from any public or private source.
13 Moneys in the Fund may be appropriated only to the Illinois
14 Finance Authority and the State Board for those purposes
15 authorized under this Article and Articles 1F and 1H of this
16 Code. The appropriation may be allocated and expended by the
17 State Board for contractual services to provide technical
18 assistance or consultation to school districts to assess their
19 financial condition and to Financial Oversight Panels that
20 petition for emergency financial assistance grants. The
21 Illinois Finance Authority may provide loans to school
22 districts which are the subject of an approved petition for
23 emergency financial assistance under Section 1B-4, ~~1F-62,~~ or

1 1H-65 of this Code. Neither the State Board of Education nor
2 the Illinois Finance Authority may collect any fees for
3 providing these services.

4 From the amount allocated to each such school district
5 under this Article the State Board shall identify a sum
6 sufficient to cover all approved costs of the Financial
7 Oversight Panel established for the respective school
8 district. If the State Board and State Superintendent of
9 Education have not approved emergency financial assistance in
10 conjunction with the appointment of a Financial Oversight
11 Panel, the Panel's approved costs shall be paid from
12 deductions from the district's general State aid or
13 evidence-based funding.

14 The Financial Oversight Panel may prepare and file with
15 the State Superintendent a proposal for emergency financial
16 assistance for the school district and for its operations
17 budget. No expenditures from the Fund shall be authorized by
18 the State Superintendent until he or she has approved the
19 request of the Panel, either as submitted or in such lesser
20 amount determined by the State Superintendent.

21 The maximum amount of an emergency financial assistance
22 loan which may be allocated to any school district under this
23 Article, including moneys necessary for the operations of the
24 Panel, shall not exceed \$4,000 times the number of pupils
25 enrolled in the school district during the school year ending
26 June 30 prior to the date of approval by the State Board of the

1 petition for emergency financial assistance, as certified to
2 the local board and the Panel by the State Superintendent. An
3 emergency financial assistance grant shall not exceed \$1,000
4 times the number of such pupils. A district may receive both a
5 loan and a grant.

6 The payment of an emergency State financial assistance
7 grant or loan shall be subject to appropriation by the General
8 Assembly. Payment of the emergency State financial assistance
9 loan is subject to the applicable provisions of the Illinois
10 Finance Authority Act. Emergency State financial assistance
11 allocated and paid to a school district under this Article may
12 be applied to any fund or funds from which the local board of
13 education of that district is authorized to make expenditures
14 by law.

15 Any emergency financial assistance grant proposed by the
16 Financial Oversight Panel and approved by the State
17 Superintendent may be paid in its entirety during the initial
18 year of the Panel's existence or spread in equal or declining
19 amounts over a period of years not to exceed the period of the
20 Panel's existence. An emergency financial assistance loan
21 proposed by the Financial Oversight Panel and approved by the
22 Illinois Finance Authority may be paid in its entirety during
23 the initial year of the Panel's existence or spread in equal or
24 declining amounts over a period of years not to exceed the
25 period of the Panel's existence. All loans made by the
26 Illinois Finance Authority for a school district shall be

1 required to be repaid, with simple interest over the term of
2 the loan at a rate equal to 50% of the one-year Constant
3 Maturity Treasury (CMT) yield as last published by the Board
4 of Governors of the Federal Reserve System before the date on
5 which the district's loan is approved by the Illinois Finance
6 Authority, not later than the date the Financial Oversight
7 Panel ceases to exist. The Panel shall establish and the
8 Illinois Finance Authority shall approve the terms and
9 conditions, including the schedule, of repayments. The
10 schedule shall provide for repayments commencing July 1 of
11 each year or upon each fiscal year's receipt of moneys from a
12 tax levy for emergency financial assistance. Repayment shall
13 be incorporated into the annual budget of the school district
14 and may be made from any fund or funds of the district in which
15 there are moneys available. An emergency financial assistance
16 loan to the Panel or district shall not be considered part of
17 the calculation of a district's debt for purposes of the
18 limitation specified in Section 19-1 of this Code. Default on
19 repayment is subject to the Illinois Grant Funds Recovery Act.
20 When moneys are repaid as provided herein they shall not be
21 made available to the local board for further use as emergency
22 financial assistance under this Article at any time
23 thereafter. All repayments required to be made by a school
24 district shall be received by the State Board and deposited in
25 the School District Emergency Financial Assistance Fund.

26 In establishing the terms and conditions for the repayment

1 obligation of the school district the Panel shall annually
2 determine whether a separate local property tax levy is
3 required. The board of any school district with a tax rate for
4 educational purposes for the prior year of less than 120% of
5 the maximum rate for educational purposes authorized by
6 Section 17-2 shall provide for a separate tax levy for
7 emergency financial assistance repayment purposes. Such tax
8 levy shall not be subject to referendum approval. The amount
9 of the levy shall be equal to the amount necessary to meet the
10 annual repayment obligations of the district as established by
11 the Panel, or 20% of the amount levied for educational
12 purposes for the prior year, whichever is less. However, no
13 district shall be required to levy the tax if the district's
14 operating tax rate as determined under Section 18-8, 18-8.05,
15 or 18-8.15 exceeds 200% of the district's tax rate for
16 educational purposes for the prior year.

17 (Source: P.A. 100-465, eff. 8-31-17.)

18 (105 ILCS 5/1F-25)

19 (This Section scheduled to be repealed in accordance with 105
20 ILCS 5/1F-165)

21 Sec. 1F-25. General powers. The purposes of the Authority
22 shall be to exercise financial control over the district and
23 to furnish financial assistance so that the district can
24 provide public education within the district's jurisdiction
25 while permitting the district to meet its obligations to its

1 creditors and the holders of its debt. Except as expressly
2 limited by this Article, the Authority shall have all powers
3 granted to a voluntary or involuntary Financial Oversight
4 Panel and to a Financial Administrator under Article 1B of
5 this Code and all other powers necessary to meet its
6 responsibilities and to carry out its purposes and the
7 purposes of this Article, including without limitation all of
8 the following powers, provided that the Authority shall have
9 no power to terminate any employee without following the
10 statutory procedures for such terminations set forth in this
11 Code:

12 (1) To sue and to be sued.

13 (2) To make, cancel, modify, and execute contracts,
14 leases, subleases, and all other instruments or agreements
15 necessary or convenient for the exercise of the powers and
16 functions granted by this Article, subject to Section
17 1F-45 of this Code. The Authority may at a regular or
18 special meeting find that the district has insufficient or
19 inadequate funds with respect to any contract, other than
20 collective bargaining agreements.

21 (3) To purchase real or personal property necessary or
22 convenient for its purposes; to execute and deliver deeds
23 for real property held in its own name; and to sell, lease,
24 or otherwise dispose of such of its property as, in the
25 judgment of the Authority, is no longer necessary for its
26 purposes.

1 (4) To appoint officers, agents, and employees of the
2 Authority, including a chief executive officer, a chief
3 fiscal officer, and a chief educational officer; to define
4 their duties and qualifications; and to fix their
5 compensation and employee benefits.

6 (5) To transfer to the district such sums of money as
7 are not required for other purposes.

8 (6) To borrow money, including without limitation
9 accepting State loans, and to issue obligations pursuant
10 to this Article; to fund, refund, or advance refund the
11 same; to provide for the rights of the holders of its
12 obligations; and to repay any advances.

13 (6.5) To levy all property tax levies that otherwise
14 could be levied by the district, ~~and to make levies~~
15 ~~pursuant to Section 1F-62 of this Code.~~ This levy or
16 levies shall be exempt from the Truth in Taxation Law and
17 the Cook County Truth in Taxation Law.

18 (7) Subject to the provisions of any contract with or
19 for the benefit of the holders of its obligations, to
20 purchase or redeem its obligations.

21 (8) To procure all necessary goods and services for
22 the Authority in compliance with the purchasing laws and
23 requirements applicable to the district.

24 (9) To do any and all things necessary or convenient
25 to carry out its purposes and exercise the powers given to
26 it by this Article.

1 (10) To recommend annexation, consolidation,
2 dissolution, or reorganization of the district, in whole
3 or in part, to the State Board if in the Authority's
4 judgment the circumstances so require. No such proposal
5 for annexation, consolidation, dissolution, or
6 reorganization shall occur unless the Authority and the
7 school boards of all other districts directly affected by
8 the annexation, consolidation, dissolution, or
9 reorganization have each approved by majority vote the
10 annexation, consolidation, dissolution, or
11 reorganization. Notwithstanding any other law to the
12 contrary, upon approval of the proposal by the State
13 Board, the State Board and all other affected entities
14 shall forthwith implement the proposal. When a dissolution
15 and annexation becomes effective for purposes of
16 administration and attendance, the positions of teachers
17 in contractual continued service in the district being
18 dissolved shall be transferred to the annexing district or
19 districts, pursuant to the provisions of Section 24-12 of
20 this Code. In the event that the territory is added to 2 or
21 more districts, the decision on which positions shall be
22 transferred to which annexing districts shall be made by
23 giving consideration to the proportionate percentage of
24 pupils transferred and the annexing districts' staffing
25 needs, and the transfer of teachers in contractual
26 continued service into positions shall be based upon the

1 request of those teachers in contractual continued service
2 in order of seniority in the dissolving district. The
3 status of all teachers in contractual continued service
4 transferred to an annexing district shall not be lost, and
5 the board of the annexing district is subject to this Code
6 with respect to teachers in contractual continued service
7 who are transferred in the same manner as if the person
8 were the annexing district's employee and had been its
9 employee during the time the person was actually employed
10 by the board of the dissolving district from which the
11 position was transferred.

12 (Source: P.A. 92-855, eff. 12-6-02.)

13 (105 ILCS 5/1F-90)

14 (This Section scheduled to be repealed in accordance with 105
15 ILCS 5/1F-165)

16 Sec. 1F-90. Tax anticipation warrants. An Authority shall
17 have the same power to issue tax anticipation warrants as a
18 school board under Section 17-16 of this Code. Tax
19 anticipation warrants are considered borrowing from sources
20 other than the State ~~and are subject to Section 1F-62 of this~~
21 ~~Code.~~

22 (Source: P.A. 92-855, eff. 12-6-02.)

23 (105 ILCS 5/2-3.146)

24 Sec. 2-3.146. Severely overcrowded schools grant program.

1 There is created a grant program, subject to appropriation,
2 for severely overcrowded schools. The State Board of Education
3 shall administer the program. Grant funds may be used for
4 purposes of relieving overcrowding. In order for a school
5 district to be eligible for a grant under this Section, (i) the
6 main administrative office of the district must be located in
7 a city of 85,000 or more in population, according to the 2000
8 U.S. Census, and (ii) the school district must have a
9 district-wide percentage of low-income students of 70% or
10 more, as identified by the 2005-2006 School Report Cards
11 published by the State Board of Education, ~~and (iii) the~~
12 ~~school district must not be eligible for a fast growth grant~~
13 ~~under Section 18-8.10 of this Code.~~ The State Board of
14 Education shall distribute the funds on a proportional basis
15 with no single district receiving more than 75% of the funds in
16 any given year. The State Board of Education may adopt rules as
17 needed for the implementation and distribution of grants under
18 this Section.

19 (Source: P.A. 95-707, eff. 1-11-08.)

20 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

24 (a) Licensed and nonlicensed applicants for employment
25 with a school district, except school bus driver applicants,

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

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

1 criminal history records checks under this Section.

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

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

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

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

1 the regional superintendent upon a check ascertains that the
2 applicant has not been identified in the Sex Offender Database
3 or Statewide Murderer and Violent Offender Against Youth
4 Database, then the regional superintendent shall issue to the
5 applicant a certificate evidencing that as of the date
6 specified by the Illinois State Police the applicant has not
7 been convicted of any of the enumerated criminal or drug
8 offenses in subsection (c) of this Section or has not 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 and
15 evidencing that as of the date that the regional
16 superintendent conducted a check of the Statewide Sex Offender
17 Database or Statewide Murderer and Violent Offender Against
18 Youth Database, the applicant has not been identified in the
19 Database. The school board of any school district may rely on
20 the certificate issued by any regional superintendent to that
21 substitute teacher, concurrent part-time teacher, or
22 concurrent educational support personnel employee or may
23 initiate its own criminal history records check of the
24 applicant through the Illinois State Police and its own check
25 of the Statewide Sex Offender Database or Statewide Murderer
26 and Violent Offender Against Youth Database as provided in

1 this Section. Any unauthorized release of confidential
2 information may be a violation of Section 7 of the Criminal
3 Identification Act.

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

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

1 Department of Children and Family Services under the Abused
2 and Neglected Child Reporting Act or by a child welfare agency
3 of another jurisdiction.

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

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

15 If permissible by federal or State law, no later than 15
16 business days after receipt of a record of conviction or of
17 checking the Statewide Murderer and Violent Offender Against
18 Youth Database or the Statewide Sex Offender Database and
19 finding a registration, the superintendent of the employing
20 school board or the applicable regional superintendent shall,
21 in writing, notify the State Superintendent of Education of
22 any license holder who has been convicted of a crime set forth
23 in Section 21B-80 of this Code. Upon receipt of the record of a
24 conviction of or a finding of child abuse by a holder of any
25 license issued pursuant to Article 21B or Section 34-8.1 ~~or~~
26 ~~34-83~~ of this ~~the School~~ Code, the State Superintendent of

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

7 (e-5) The superintendent of the employing school board
8 shall, in writing, notify the State Superintendent of
9 Education and the applicable regional superintendent of
10 schools of any license holder whom he or she has reasonable
11 cause to believe has committed an intentional act of abuse or
12 neglect with the result of making a child an abused child or a
13 neglected child, as defined in Section 3 of the Abused and
14 Neglected Child Reporting Act, and that act resulted in the
15 license holder's dismissal or resignation from the school
16 district. This notification must be submitted within 30 days
17 after the dismissal or resignation and must include the
18 Illinois Educator Identification Number (IEIN) of the license
19 holder and a brief description of the misconduct alleged. The
20 license holder must also be contemporaneously sent a copy of
21 the notice by the superintendent. All correspondence,
22 documentation, and other information so received by the
23 regional superintendent of schools, the State Superintendent
24 of Education, the State Board of Education, or the State
25 Educator Preparation and Licensure Board under this subsection
26 (e-5) is confidential and must not be disclosed to third

1 parties, except (i) as necessary for the State Superintendent
2 of Education or his or her designee to investigate and
3 prosecute pursuant to Article 21B of this Code, (ii) pursuant
4 to a court order, (iii) for disclosure to the license holder or
5 his or her representative, or (iv) as otherwise provided in
6 this Article and provided that any such information admitted
7 into evidence in a hearing is exempt from this confidentiality
8 and non-disclosure requirement. Except for an act of willful
9 or wanton misconduct, any superintendent who provides
10 notification as required in this subsection (e-5) shall have
11 immunity from any liability, whether civil or criminal or that
12 otherwise might result by reason of such action.

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

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

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

12 (g) Prior to the commencement of any student teaching
13 experience or required internship (which is referred to as
14 student teaching in this Section) in the public schools, a
15 student teacher is required to authorize a fingerprint-based
16 criminal history records check. Authorization for and payment
17 of the costs of the check must be furnished by the student
18 teacher to the school district where the student teaching is
19 to be completed. Upon receipt of this authorization and
20 payment, the school district shall submit the student
21 teacher's name, sex, race, date of birth, social security
22 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 school board for the school district that requested the
3 check. The Illinois State Police shall charge the school
4 district a fee for conducting the check, which fee must not
5 exceed the cost of the inquiry and must be deposited into the
6 State Police Services Fund. The school district shall further
7 perform a check of the Statewide Sex Offender Database, as
8 authorized by the Sex Offender Community Notification Law, and
9 of the Statewide Murderer and Violent Offender Against Youth
10 Database, as authorized by the Murderer and Violent Offender
11 Against Youth Registration Act, for each student teacher. No
12 school board may knowingly allow a person to student teach for
13 whom a criminal history records check, a Statewide Sex
14 Offender Database check, and a Statewide Murderer and Violent
15 Offender Against Youth Database check have not been completed
16 and reviewed by the district.

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

1 release of confidential information may be a violation of
2 Section 7 of the Criminal Identification Act.

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

17 (h) (Blank).

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

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

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

25 (a) Licensed and nonlicensed applicants for employment

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

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

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

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

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

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

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

1 information may be a violation of Section 7 of the Criminal
2 Identification Act.

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

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

1 Services under the Abused and Neglected Child Reporting Act or
2 by a child welfare agency of another jurisdiction.

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

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

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

1 receipt of the record of conviction or finding of child abuse
2 is received within 6 months after the initial grant of or
3 renewal of a license, the State Superintendent of Education
4 may rescind the license holder's license.

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

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

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

1 employee obtained by the regional superintendent shall be
2 promptly reported to the president of the appropriate school
3 board or school boards.

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

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

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

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

23 The board may not knowingly allow a person to student
24 teach who has been convicted of any offense that would subject
25 him or her to license suspension or revocation pursuant to
26 subsection (c) of Section 21B-80 of this Code, except as

1 provided under subsection (b) of Section 21B-80. Further, the
2 board may not allow a person to student teach if he or she has
3 been found to be the perpetrator of sexual or physical abuse of
4 a minor under 18 years of age pursuant to proceedings under
5 Article II of the Juvenile Court Act of 1987. The board must
6 consider the status of a person to student teach who has been
7 issued an indicated finding of abuse or neglect of a child by
8 the Department of Children and Family Services under the
9 Abused and Neglected Child Reporting Act or by a child welfare
10 agency of another jurisdiction.

11 (h) (Blank).

12 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
13 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
14 1-1-22; revised 10-18-21.)

15 (105 ILCS 5/1F-62 rep.)

16 (105 ILCS 5/2-3.33a rep.)

17 (105 ILCS 5/2-3.123 rep.)

18 (105 ILCS 5/2-3.128 rep.)

19 (105 ILCS 5/2-3.171 rep.)

20 (105 ILCS 5/2-3.172 rep.)

21 (105 ILCS 5/18-8.10 rep.)

22 (105 ILCS 5/21-5e rep.)

23 (105 ILCS 5/34-83 rep.)

24 Section 10. The School Code is amended by repealing
25 Sections 1F-62, 2-3.33a, 2-3.123, 2-3.128, 2-3.171, 2-3.172,

1 18-8.10, 21-5e, and 34-83.

2 Section 15. The Illinois Educational Labor Relations Act
3 is amended by changing Section 2 as follows:

4 (115 ILCS 5/2) (from Ch. 48, par. 1702)

5 Sec. 2. Definitions. As used in this Act:

6 (a) "Educational employer" or "employer" means the
7 governing body of a public school district, including the
8 governing body of a charter school established under Article
9 27A of the School Code or of a contract school or contract
10 turnaround school established under paragraph 30 of Section
11 34-18 of the School Code, combination of public school
12 districts, including the governing body of joint agreements of
13 any type formed by 2 or more school districts, public
14 community college district or State college or university, a
15 subcontractor of instructional services of a school district
16 (other than a school district organized under Article 34 of
17 the School Code), combination of school districts, charter
18 school established under Article 27A of the School Code, or
19 contract school or contract turnaround school established
20 under paragraph 30 of Section 34-18 of the School Code, an
21 Independent Authority created under Section 2-3.25f-5 of the
22 School Code, and any State agency whose major function is
23 providing educational services. "Educational employer" or
24 "employer" does not include (1) a Financial Oversight Panel

1 created pursuant to Section 1A-8 of the School Code due to a
2 district violating a financial plan or (2) an approved
3 nonpublic special education facility that contracts with a
4 school district or combination of school districts to provide
5 special education services pursuant to Section 14-7.02 of the
6 School Code, but does include a School Finance Authority
7 created under Article 1E or 1F of the School Code and a
8 Financial Oversight Panel created under Article 1B or 1H of
9 the School Code. The change made by this amendatory Act of the
10 96th General Assembly to this paragraph (a) to make clear that
11 the governing body of a charter school is an "educational
12 employer" is declaratory of existing law.

13 (b) "Educational employee" or "employee" means any
14 individual, excluding supervisors, managerial, confidential,
15 short term employees, student, and part-time academic
16 employees of community colleges employed full or part time by
17 an educational employer, but shall not include elected
18 officials and appointees of the Governor with the advice and
19 consent of the Senate, firefighters as defined by subsection
20 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
21 and peace officers employed by a State university. For the
22 purposes of this Act, part-time academic employees of
23 community colleges shall be defined as those employees who
24 provide less than 3 credit hours of instruction per academic
25 semester. In this subsection (b), the term "student" does not
26 include graduate students who are research assistants

1 primarily performing duties that involve research, graduate
2 assistants primarily performing duties that are
3 pre-professional, graduate students who are teaching
4 assistants primarily performing duties that involve the
5 delivery and support of instruction, or any other graduate
6 assistants.

7 (c) "Employee organization" or "labor organization" means
8 an organization of any kind in which membership includes
9 educational employees, and which exists for the purpose, in
10 whole or in part, of dealing with employers concerning
11 grievances, employee-employer disputes, wages, rates of pay,
12 hours of employment, or conditions of work, but shall not
13 include any organization which practices discrimination in
14 membership because of race, color, creed, age, gender,
15 national origin or political affiliation.

16 (d) "Exclusive representative" means the labor
17 organization which has been designated by the Illinois
18 Educational Labor Relations Board as the representative of the
19 majority of educational employees in an appropriate unit, or
20 recognized by an educational employer prior to January 1, 1984
21 as the exclusive representative of the employees in an
22 appropriate unit or, after January 1, 1984, recognized by an
23 employer upon evidence that the employee organization has been
24 designated as the exclusive representative by a majority of
25 the employees in an appropriate unit.

26 (e) "Board" means the Illinois Educational Labor Relations

1 Board.

2 (f) "Regional Superintendent" means the regional
3 superintendent of schools provided for in Articles 3 and 3A of
4 The School Code.

5 (g) "Supervisor" means any individual having authority in
6 the interests of the employer to hire, transfer, suspend, lay
7 off, recall, promote, discharge, reward or discipline other
8 employees within the appropriate bargaining unit and adjust
9 their grievances, or to effectively recommend such action if
10 the exercise of such authority is not of a merely routine or
11 clerical nature but requires the use of independent judgment.
12 The term "supervisor" includes only those individuals who
13 devote a preponderance of their employment time to such
14 exercising authority.

15 (h) "Unfair labor practice" or "unfair practice" means any
16 practice prohibited by Section 14 of this Act.

17 (i) "Person" includes an individual, educational employee,
18 educational employer, legal representative, or employee
19 organization.

20 (j) "Wages" means salaries or other forms of compensation
21 for services rendered.

22 (k) "Professional employee" means, in the case of a public
23 community college, State college or university, State agency
24 whose major function is providing educational services, the
25 Illinois School for the Deaf, and the Illinois School for the
26 Visually Impaired, (1) any employee engaged in work (i)

1 predominantly intellectual and varied in character as opposed
2 to routine mental, manual, mechanical, or physical work; (ii)
3 involving the consistent exercise of discretion and judgment
4 in its performance; (iii) of such character that the output
5 produced or the result accomplished cannot be standardized in
6 relation to a given period of time; and (iv) requiring
7 knowledge of an advanced type in a field of science or learning
8 customarily acquired by a prolonged course of specialized
9 intellectual instruction and study in an institution of higher
10 learning or a hospital, as distinguished from a general
11 academic education or from an apprenticeship or from training
12 in the performance of routine mental, manual, or physical
13 processes; or (2) any employee, who (i) has completed the
14 courses of specialized intellectual instruction and study
15 described in clause (iv) of paragraph (1) of this subsection,
16 and (ii) is performing related work under the supervision of a
17 professional person to qualify himself or herself to become a
18 professional as defined in paragraph (1).

19 (l) "Professional employee" means, in the case of any
20 public school district, or combination of school districts
21 pursuant to joint agreement, any employee who has a
22 certificate issued under Article 21 ~~or Section 34-83~~ of the
23 School Code, ~~as now or hereafter amended.~~

24 (m) "Unit" or "bargaining unit" means any group of
25 employees for which an exclusive representative is selected.

26 (n) "Confidential employee" means an employee, who (i) in

1 the regular course of his or her duties, assists and acts in a
2 confidential capacity to persons who formulate, determine and
3 effectuate management policies with regard to labor relations
4 or who (ii) in the regular course of his or her duties has
5 access to information relating to the effectuation or review
6 of the employer's collective bargaining policies.

7 (o) "Managerial employee" means an individual who is
8 engaged predominantly in executive and management functions
9 and is charged with the responsibility of directing the
10 effectuation of such management policies and practices.

11 (p) "Craft employee" means a skilled journeyman, craft
12 person, and his or her apprentice or helper.

13 (q) "Short-term employee" is an employee who is employed
14 for less than 2 consecutive calendar quarters during a
15 calendar year and who does not have a reasonable expectation
16 that he or she will be rehired by the same employer for the
17 same service in a subsequent calendar year. Nothing in this
18 subsection shall affect the employee status of individuals who
19 were covered by a collective bargaining agreement on the
20 effective date of this amendatory Act of 1991.

21 (Source: P.A. 101-380, eff. 1-1-20.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.