



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2357

Introduced 2/26/2021, by Sen. Donald P. DeWitte

SYNOPSIS AS INTRODUCED:

40 ILCS 5/17-149.1	from Ch. 108 1/2, par. 17-149.1
105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
105 ILCS 5/21B-75	
105 ILCS 5/21B-80	
105 ILCS 5/21B-85	
105 ILCS 5/24-11	from Ch. 122, par. 24-11
105 ILCS 5/24-14	from Ch. 122, par. 24-14
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5
30 ILCS 805/8.45 new	

Amends the Chicago Teachers Article of the Illinois Pension Code to make changes concerning the criminal conviction of a teacher. Amends the School Code. Provides that the notification regarding the dismissal or resignation of an individual holding a Professional Educator License as a result of abuse or neglect of a child must include the Illinois Educator Identification Number of the license holder and a brief description of the misconduct alleged. Amends the Educator Licensure Article to provide for the suspension or revocation of an endorsement or approval. Provides that a homicide conviction is grounds for disqualification for educator licensure or suspension or revocation of a license. Makes changes in provisions concerning a license holder's criminal conviction. Amends the Employment of Teachers Article. Changes certain references concerning teacher certification to teacher licensure. Makes changes concerning the termination of contractual continued service by a teacher. Amends the State Mandates Act to require implementation without reimbursement.

LRB102 13565 CMG 18913 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE DEBT
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by
5 changing Section 17-149.1 as follows:

6 (40 ILCS 5/17-149.1) (from Ch. 108 1/2, par. 17-149.1)

7 Sec. 17-149.1. Criminal ~~Felony~~ conviction. None of the
8 benefits provided for in this Article shall be paid to any
9 person who is convicted of any Class X felony or offense
10 enumerated under item (A) of subsection (a) of Section 21B-80
11 of the School Code ~~felony relating to or arising out of or in~~
12 ~~connection with his or her service as a teacher.~~

13 None of the benefits provided for in this Article shall be
14 paid to any person who otherwise would receive a survivor
15 benefit who is convicted of any Class X felony or offense
16 enumerated under item (A) of subsection (a) of Section 21B-80
17 of the School Code ~~felony relating to or arising out of or in~~
18 ~~connection with the service of the teacher from whom the~~
19 ~~benefit results.~~

20 This Section shall not operate to impair any contract or
21 vested right acquired prior to January 1, 1988, nor to
22 preclude the right to a refund, and for the changes under this
23 amendatory Act of the 100th General Assembly, shall not impair

1 any contract or vested right acquired by a survivor prior to
2 the effective date of this amendatory Act of the 100th General
3 Assembly. For the changes under this amendatory Act of the
4 102nd General Assembly, this Section shall not impair any
5 contract or vested right acquired by a survivor prior to the
6 effective date of this amendatory Act of the 102nd General
7 Assembly.

8 All teachers entering service after January 1, 1988 shall
9 be deemed to have consented to the provisions of this Section
10 as a condition of membership, and all participants entering
11 service subsequent to the effective date of this amendatory
12 Act of the 100th General Assembly shall be deemed to have
13 consented to the provisions of this amendatory Act as a
14 condition of participation. All participants entering service
15 subsequent to the effective date of this amendatory Act of the
16 102nd General Assembly shall be deemed to have consented to
17 the provisions of this amendatory Act as a condition of
18 participation.

19 (Source: P.A. 100-334, eff. 8-25-17.)

20 Section 10. The School Code is amended by changing
21 Sections 10-21.9, 21B-75, 21B-80, 21B-85, 24-11, 24-14, and
22 34-18.5 as follows:

23 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

24 Sec. 10-21.9. 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 a school district, except school bus driver applicants,
5 are required as a condition of employment to authorize a
6 fingerprint-based criminal history records check to determine
7 if such applicants have been convicted of any disqualifying,
8 enumerated criminal or drug offenses in subsection (c) of this
9 Section or have 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. Authorization for the check shall be furnished by
16 the applicant to the school district, except that if the
17 applicant is a substitute teacher seeking employment in more
18 than one school district, a teacher seeking concurrent
19 part-time employment positions with more than one school
20 district (as a reading specialist, special education teacher
21 or otherwise), or an educational support personnel employee
22 seeking employment positions with more than one district, any
23 such district may require the applicant to furnish
24 authorization for the check to the regional superintendent of
25 the 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 Department of State Police, to the
8 Department. The regional superintendent submitting the
9 requisite information to the Department of State Police shall
10 promptly notify the school districts in which the applicant is
11 seeking employment as a substitute or concurrent part-time
12 teacher or concurrent educational support personnel employee
13 that the check of the applicant has been requested. The
14 Department of State Police and the Federal Bureau of
15 Investigation shall furnish, pursuant to a fingerprint-based
16 criminal history records check, records of convictions,
17 forever and hereinafter, until expunged, to the president of
18 the school board for the school district that requested the
19 check, or to the regional superintendent who requested the
20 check. The Department shall charge the school district or the
21 appropriate regional superintendent a fee for conducting such
22 check, which fee shall be deposited in the State Police
23 Services Fund and shall not exceed the cost of the inquiry; and
24 the applicant shall not be charged a fee for such check by the
25 school district or by the regional superintendent, except that
26 those applicants seeking employment as a substitute teacher

1 with a school district may be charged a fee not to exceed the
2 cost of the inquiry. Subject to appropriations for these
3 purposes, the State Superintendent of Education shall
4 reimburse school districts and regional superintendents for
5 fees paid to obtain criminal history records checks under this
6 Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (h) (Blank).

24 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
25 101-643, eff. 6-18-20.)

1 (105 ILCS 5/21B-75)

2 Sec. 21B-75. Suspension or revocation of license,
3 endorsement, or approval.

4 (a) As used in this Section, "teacher" means any school
5 district employee regularly required to be licensed, as
6 provided in this Article, in order to teach or supervise in the
7 public schools.

8 (b) The State Superintendent of Education has the
9 exclusive authority, in accordance with this Section and any
10 rules adopted by the State Board of Education, in consultation
11 with the State Educator Preparation and Licensure Board, to
12 initiate the suspension of up to 5 calendar years or
13 revocation of any license, endorsement, or approval issued
14 pursuant to this Article for abuse or neglect of a child,
15 immorality, a condition of health detrimental to the welfare
16 of pupils, incompetency, unprofessional conduct (which
17 includes the failure to disclose on an employment application
18 any previous conviction for a sex offense, as defined in
19 Section 21B-80 of this Code, or any other offense committed in
20 any other state or against the laws of the United States that,
21 if committed in this State, would be punishable as a sex
22 offense, as defined in Section 21B-80 of this Code), the
23 neglect of any professional duty, willful or negligent failure
24 to report an instance of suspected child abuse or neglect as
25 required by the Abused and Neglected Child Reporting Act, or
26 other just cause. Negligent failure to report an instance of

1 suspected child abuse or neglect occurs when a teacher
2 personally observes an instance of suspected child abuse or
3 neglect and reasonably believes, in his or her professional or
4 official capacity, that the instance constitutes an act of
5 child abuse or neglect under the Abused and Neglected Child
6 Reporting Act, and he or she, without willful intent, fails to
7 immediately report or cause a report to be made of the
8 suspected abuse or neglect to the Department of Children and
9 Family Services, as required by the Abused and Neglected Child
10 Reporting Act. Unprofessional conduct shall include the
11 refusal to attend or participate in institutes, teachers'
12 meetings, or professional readings or to meet other reasonable
13 requirements of the regional superintendent of schools or
14 State Superintendent of Education. Unprofessional conduct also
15 includes conduct that violates the standards, ethics, or rules
16 applicable to the security, administration, monitoring, or
17 scoring of or the reporting of scores from any assessment test
18 or examination administered under Section 2-3.64a-5 of this
19 Code or that is known or intended to produce or report
20 manipulated or artificial, rather than actual, assessment or
21 achievement results or gains from the administration of those
22 tests or examinations. Unprofessional conduct shall also
23 include neglect or unnecessary delay in the making of
24 statistical and other reports required by school officers.
25 Incompetency shall include, without limitation, 2 or more
26 school terms of service for which the license holder has

1 received an unsatisfactory rating on a performance evaluation
2 conducted pursuant to Article 24A of this Code within a period
3 of 7 school terms of service. In determining whether to
4 initiate action against one or more licenses based on
5 incompetency and the recommended sanction for such action, the
6 State Superintendent shall consider factors that include
7 without limitation all of the following:

8 (1) Whether the unsatisfactory evaluation ratings
9 occurred prior to June 13, 2011 (the effective date of
10 Public Act 97-8).

11 (2) Whether the unsatisfactory evaluation ratings
12 occurred prior to or after the implementation date, as
13 defined in Section 24A-2.5 of this Code, of an evaluation
14 system for teachers in a school district.

15 (3) Whether the evaluator or evaluators who performed
16 an unsatisfactory evaluation met the pre-licensure and
17 training requirements set forth in Section 24A-3 of this
18 Code.

19 (4) The time between the unsatisfactory evaluation
20 ratings.

21 (5) The quality of the remediation plans associated
22 with the unsatisfactory evaluation ratings and whether the
23 license holder successfully completed the remediation
24 plans.

25 (6) Whether the unsatisfactory evaluation ratings were
26 related to the same or different assignments performed by

1 the license holder.

2 (7) Whether one or more of the unsatisfactory
3 evaluation ratings occurred in the first year of a
4 teaching or administrative assignment.

5 When initiating an action against one or more licenses, the
6 State Superintendent may seek required professional
7 development as a sanction in lieu of or in addition to
8 suspension or revocation. Any such required professional
9 development must be at the expense of the license holder, who
10 may use, if available and applicable to the requirements
11 established by administrative or court order, training,
12 coursework, or other professional development funds in
13 accordance with the terms of an applicable collective
14 bargaining agreement entered into after June 13, 2011 (the
15 effective date of Public Act 97-8), unless that agreement
16 specifically precludes use of funds for such purpose.

17 (c) The State Superintendent of Education shall, upon
18 receipt of evidence of abuse or neglect of a child,
19 immorality, a condition of health detrimental to the welfare
20 of pupils, incompetency (subject to subsection (b) of this
21 Section), unprofessional conduct, the neglect of any
22 professional duty, or other just cause, further investigate
23 and, if and as appropriate, serve written notice to the
24 individual and afford the individual opportunity for a hearing
25 prior to suspension, revocation, or other sanction; provided
26 that the State Superintendent is under no obligation to

1 initiate such an investigation if the Department of Children
2 and Family Services is investigating the same or substantially
3 similar allegations and its child protective service unit has
4 not made its determination, as required under Section 7.12 of
5 the Abused and Neglected Child Reporting Act. If the State
6 Superintendent of Education does not receive from an
7 individual a request for a hearing within 10 days after the
8 individual receives notice, the suspension, revocation, or
9 other sanction shall immediately take effect in accordance
10 with the notice. If a hearing is requested within 10 days after
11 notice of an opportunity for hearing, it shall act as a stay of
12 proceedings until the State Educator Preparation and Licensure
13 Board issues a decision. Any hearing shall take place in the
14 educational service region where the educator is or was last
15 employed and in accordance with rules adopted by the State
16 Board of Education, in consultation with the State Educator
17 Preparation and Licensure Board, and such rules shall include
18 without limitation provisions for discovery and the sharing of
19 information between parties prior to the hearing. The standard
20 of proof for any administrative hearing held pursuant to this
21 Section shall be by the preponderance of the evidence. The
22 decision of the State Educator Preparation and Licensure Board
23 is a final administrative decision and is subject to judicial
24 review by appeal of either party.

25 The State Board of Education may refuse to issue or may
26 suspend the license of any person who fails to file a return or

1 to pay the tax, penalty, or interest shown in a filed return or
2 to pay any final assessment of tax, penalty, or interest, as
3 required by any tax Act administered by the Department of
4 Revenue, until such time as the requirements of any such tax
5 Act are satisfied.

6 The exclusive authority of the State Superintendent of
7 Education to initiate suspension or revocation of a license
8 pursuant to this Section does not preclude a regional
9 superintendent of schools from cooperating with the State
10 Superintendent or a State's Attorney with respect to an
11 investigation of alleged misconduct.

12 (d) The State Superintendent of Education or his or her
13 designee may initiate and conduct such investigations as may
14 be reasonably necessary to establish the existence of any
15 alleged misconduct. At any stage of the investigation, the
16 State Superintendent may issue a subpoena requiring the
17 attendance and testimony of a witness, including the license
18 holder, and the production of any evidence, including files,
19 records, correspondence, or documents, relating to any matter
20 in question in the investigation. The subpoena shall require a
21 witness to appear at the State Board of Education at a
22 specified date and time and shall specify any evidence to be
23 produced. The license holder is not entitled to be present,
24 but the State Superintendent shall provide the license holder
25 with a copy of any recorded testimony prior to a hearing under
26 this Section. Such recorded testimony must not be used as

1 evidence at a hearing, unless the license holder has adequate
2 notice of the testimony and the opportunity to cross-examine
3 the witness. Failure of a license holder to comply with a duly
4 issued, investigatory subpoena may be grounds for revocation,
5 suspension, or denial of a license.

6 (e) All correspondence, documentation, and other
7 information so received by the regional superintendent of
8 schools, the State Superintendent of Education, the State
9 Board of Education, or the State Educator Preparation and
10 Licensure Board under this Section is confidential and must
11 not be disclosed to third parties, except (i) as necessary for
12 the State Superintendent of Education or his or her designee
13 to investigate and prosecute pursuant to this Article, (ii)
14 pursuant to a court order, (iii) for disclosure to the license
15 holder or his or her representative, or (iv) as otherwise
16 required in this Article and provided that any such
17 information admitted into evidence in a hearing is exempt from
18 this confidentiality and non-disclosure requirement.

19 (f) The State Superintendent of Education or a person
20 designated by him or her shall have the power to administer
21 oaths to witnesses at any hearing conducted before the State
22 Educator Preparation and Licensure Board pursuant to this
23 Section. The State Superintendent of Education or a person
24 designated by him or her is authorized to subpoena and bring
25 before the State Educator Preparation and Licensure Board any
26 person in this State and to take testimony either orally or by

1 deposition or by exhibit, with the same fees and mileage and in
2 the same manner as prescribed by law in judicial proceedings
3 in civil cases in circuit courts of this State.

4 (g) Any circuit court, upon the application of the State
5 Superintendent of Education or the license holder, may, by
6 order duly entered, require the attendance of witnesses and
7 the production of relevant books and papers as part of any
8 investigation or at any hearing the State Educator Preparation
9 and Licensure Board is authorized to conduct pursuant to this
10 Section, and the court may compel obedience to its orders by
11 proceedings for contempt.

12 (h) The State Board of Education shall receive an annual
13 line item appropriation to cover fees associated with the
14 investigation and prosecution of alleged educator misconduct
15 and hearings related thereto.

16 (Source: P.A. 100-872, eff. 8-14-18; 101-531, eff. 8-23-19.)

17 (105 ILCS 5/21B-80)

18 Sec. 21B-80. Conviction of certain offenses as grounds for
19 disqualification for licensure or suspension or revocation of
20 a license.

21 (a) As used in this Section:

22 "Drug offense" means any one or more of the following
23 offenses:

24 (1) Any offense defined in the Cannabis Control Act,
25 except those defined in subdivisions (a), (b), and (c) of

1 Section 4 and subdivisions (a) and (b) of Section 5 of the
2 Cannabis Control Act and any offense for which the holder
3 of a license is placed on probation under the provisions
4 of Section 10 of the Cannabis Control Act, provided that
5 if the terms and conditions of probation required by the
6 court are not fulfilled, the offense is not eligible for
7 this exception.

8 (2) Any offense defined in the Illinois Controlled
9 Substances Act, except any offense for which the holder of
10 a license is placed on probation under the provisions of
11 Section 410 of the Illinois Controlled Substances Act,
12 provided that if the terms and conditions of probation
13 required by the court are not fulfilled, the offense is
14 not eligible for this exception.

15 (3) Any offense defined in the Methamphetamine Control
16 and Community Protection Act, except any offense for which
17 the holder of a license is placed on probation under the
18 provision of Section 70 of that Act, provided that if the
19 terms and conditions of probation required by the court
20 are not fulfilled, the offense is not eligible for this
21 exception.

22 (4) Any attempt to commit any of the offenses listed
23 in items (1) through (3) of this definition.

24 (5) Any offense committed or attempted in any other
25 state or against the laws of the United States that, if
26 committed or attempted in this State, would have been

1 punishable as one or more of the offenses listed in items
2 (1) through (4) of this definition.

3 The changes made by Public Act 96-431 to this definition are
4 declaratory of existing law.

5 "Sentence" includes any period of supervised release or
6 probation that was imposed either alone or in combination with
7 a period of incarceration.

8 "Sex or other offense" means any one or more of the
9 following offenses:

10 (A) Any offense defined in Article 9 of the Criminal
11 Code of 1961 or the Criminal Code of 2012; Sections 11-6,
12 11-9 through 11-9.5, inclusive, and 11-30 (if punished as
13 a Class 4 felony) of the Criminal Code of 1961 or the
14 Criminal Code of 2012; Sections 11-14.1 through 11-21,
15 inclusive, of the Criminal Code of 1961 or the Criminal
16 Code of 2012; Sections 11-23 (if punished as a Class 3
17 felony), 11-24, 11-25, and 11-26 of the Criminal Code of
18 1961 or the Criminal Code of 2012; Section 10-5.1,
19 subsection (c) of Section 10-9, and Sections 11-6.6,
20 11-11, 12-3.05, 12-3.3, 12-6.4, 12-7.1, 12-34, 12-34.5,
21 and 12-35 of the Criminal Code of 2012; and Sections
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
23 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if
24 punished pursuant to subdivision (4) or (5) of subsection
25 (d) of Section 26-4) of the Criminal Code of 1961 or the
26 Criminal Code of 2012.

1 (B) Any attempt to commit any of the offenses listed
2 in item (A) of this definition.

3 (C) Any offense committed or attempted in any other
4 state that, if committed or attempted in this State, would
5 have been punishable as one or more of the offenses listed
6 in items (A) and (B) of this definition.

7 (b) Whenever the holder of any license issued pursuant to
8 this Article or applicant for a license to be issued pursuant
9 to this Article has been convicted of any drug offense, other
10 than as provided in subsection (c) of this Section, the State
11 Superintendent of Education shall forthwith suspend the
12 license or deny the application, whichever is applicable,
13 until 7 years following the end of the sentence for the
14 criminal offense. If the conviction is reversed and the holder
15 is acquitted of the offense in a new trial or the charges
16 against him or her are dismissed, the State Superintendent of
17 Education shall forthwith terminate the suspension of the
18 license.

19 (b-5) Whenever the holder of a license issued pursuant to
20 this Article or applicant for a license to be issued pursuant
21 to this Article has been charged with attempting to commit,
22 conspiring to commit, soliciting, or committing any sex or
23 other offense, as enumerated under item (A) of subsection (a),
24 first degree murder, or a Class X felony or 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 one or more of the
2 foregoing offenses, the State Superintendent of Education
3 shall immediately suspend the license or deny the application
4 until the person's criminal charges are adjudicated through a
5 court of competent jurisdiction. If the person is acquitted,
6 his or her license or application shall be immediately
7 reinstated.

8 (c) Whenever the holder of a license issued pursuant to
9 this Article or applicant for a license to be issued pursuant
10 to this Article has been convicted of attempting to commit,
11 conspiring to commit, soliciting, or committing any sex or
12 other offense, as enumerated under item (A) of subsection (a),
13 first degree murder, or a Class X felony or any offense
14 committed or attempted in any other state or against the laws
15 of the United States that, if committed or attempted in this
16 State, would have been punishable as one or more of the
17 foregoing offenses, the State Superintendent of Education
18 shall forthwith suspend the license or deny the application,
19 whichever is applicable. If the conviction is reversed and the
20 holder is acquitted of that offense in a new trial or the
21 charges that he or she committed that offense are dismissed,
22 the State Superintendent of Education shall forthwith
23 terminate the suspension of the license. When the conviction
24 becomes final, the State Superintendent of Education shall
25 forthwith revoke the license.

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

1 (105 ILCS 5/21B-85)

2 Sec. 21B-85. Conviction of felony.

3 (a) Whenever the holder of any license issued under this
4 Article is employed by the school board of a school district,
5 including a special charter district or a school district
6 organized under Article 34 of this Code, and is convicted,
7 either after a bench trial, trial by jury, or plea of guilty,
8 of any offense for which a sentence to death or a term of
9 imprisonment in a penitentiary for one year or more is
10 provided, the school board shall promptly notify the State
11 Superintendent of Education, in writing, of the name of the
12 license holder, the fact of the conviction, and the name and
13 location of the court in which the conviction occurred.

14 (b) Whenever the school board of a school district,
15 including a special charter district or a school district
16 organized under Article 34 of this Code, ~~State Superintendent~~
17 ~~of Education receives notice of a conviction under subsection~~
18 ~~(a) of this Section or otherwise~~ learns that any person who is
19 a teacher, as that term is defined in Section 16-106 of the
20 Illinois Pension Code, has been convicted, either after a
21 bench trial, trial by jury, or plea of guilty, of any offense
22 for which a sentence to death or a term of imprisonment in a
23 penitentiary for one year or more is provided, the school
24 board ~~State Superintendent of Education~~ shall promptly notify,
25 in writing, the board of trustees of the Teachers' Retirement

1 System of the State of Illinois and the board of trustees of
2 the Public School Teachers' Pension and Retirement Fund of the
3 City of Chicago of the name of the license holder, the fact of
4 the conviction, the name and location of the court in which the
5 conviction occurred, and the number assigned in that court to
6 the case in which the conviction occurred.

7 (Source: P.A. 97-607, eff. 8-26-11.)

8 (105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

9 Sec. 24-11. Boards of Education - Boards of School
10 Inspectors - Contractual continued service.

11 (a) As used in this and the succeeding Sections of this
12 Article:

13 "Teacher" means any or all school district employees
14 regularly required to be licensed ~~certified~~ under laws
15 relating to the licensure ~~certification~~ of teachers.

16 "Board" means board of directors, board of education, or
17 board of school inspectors, as the case may be.

18 "School term" means that portion of the school year, July
19 1 to the following June 30, when school is in actual session.

20 "Program" means a program of a special education joint
21 agreement.

22 "Program of a special education joint agreement" means
23 instructional, consultative, supervisory, administrative,
24 diagnostic, and related services that are managed by a special
25 educational joint agreement designed to service 2 or more

1 school districts that are members of the joint agreement.

2 "PERA implementation date" means the implementation date
3 of an evaluation system for teachers as specified by Section
4 24A-2.5 of this Code for all schools within a school district
5 or all programs of a special education joint agreement.

6 (b) This Section and Sections 24-12 through 24-16 of this
7 Article apply only to school districts having less than
8 500,000 inhabitants.

9 (c) Any teacher who is first employed as a full-time
10 teacher in a school district or program prior to the PERA
11 implementation date and who is employed in that district or
12 program for a probationary period of 4 consecutive school
13 terms shall enter upon contractual continued service in the
14 district or in all of the programs that the teacher is legally
15 qualified to hold, unless the teacher is given written notice
16 of dismissal by certified mail, return receipt requested, by
17 the employing board at least 45 days before the end of any
18 school term within such period.

19 (d) For any teacher who is first employed as a full-time
20 teacher in a school district or program on or after the PERA
21 implementation date, the probationary period shall be one of
22 the following periods, based upon the teacher's school terms
23 of service and performance, before the teacher shall enter
24 upon contractual continued service in the district or in all
25 of the programs that the teacher is legally qualified to hold,
26 unless the teacher is given written notice of dismissal by

1 certified mail, return receipt requested, by the employing
2 board at least 45 days before the end of any school term within
3 such period:

4 (1) 4 consecutive school terms of service in which the
5 teacher receives overall annual evaluation ratings of at
6 least "Proficient" in the last school term and at least
7 "Proficient" in either the second or third school term;

8 (2) 3 consecutive school terms of service in which the
9 teacher receives 3 overall annual evaluations of
10 "Excellent"; or

11 (3) 2 consecutive school terms of service in which the
12 teacher receives 2 overall annual evaluations of
13 "Excellent" service, but only if the teacher (i)
14 previously attained contractual continued service in a
15 different school district or program in this State, (ii)
16 voluntarily departed or was honorably dismissed from that
17 school district or program in the school term immediately
18 prior to the teacher's first school term of service
19 applicable to the attainment of contractual continued
20 service under this subdivision (3), and (iii) received, in
21 his or her 2 most recent overall annual or biennial
22 evaluations from the prior school district or program,
23 ratings of at least "Proficient", with both such ratings
24 occurring after the school district's or program's PERA
25 implementation date. For a teacher to attain contractual
26 continued service under this subdivision (3), the teacher

1 shall provide official copies of his or her 2 most recent
2 overall annual or biennial evaluations from the prior
3 school district or program to the new school district or
4 program within 60 days from the teacher's first day of
5 service with the new school district or program. The prior
6 school district or program must provide the teacher with
7 official copies of his or her 2 most recent overall annual
8 or biennial evaluations within 14 days after the teacher's
9 request. If a teacher has requested such official copies
10 prior to 45 days after the teacher's first day of service
11 with the new school district or program and the teacher's
12 prior school district or program fails to provide the
13 teacher with the official copies required under this
14 subdivision (3), then the time period for the teacher to
15 submit the official copies to his or her new school
16 district or program must be extended until 14 days after
17 receipt of such copies from the prior school district or
18 program. If the prior school district or program fails to
19 provide the teacher with the official copies required
20 under this subdivision (3) within 90 days from the
21 teacher's first day of service with the new school
22 district or program, then the new school district or
23 program shall rely upon the teacher's own copies of his or
24 her evaluations for purposes of this subdivision (3).

25 If the teacher does not receive overall annual evaluations
26 of "Excellent" in the school terms necessary for eligibility

1 to achieve accelerated contractual continued service in
2 subdivisions (2) and (3) of this subsection (d), the teacher
3 shall be eligible for contractual continued service pursuant
4 to subdivision (1) of this subsection (d). If, at the
5 conclusion of 4 consecutive school terms of service that count
6 toward attainment of contractual continued service, the
7 teacher's performance does not qualify the teacher for
8 contractual continued service under subdivision (1) of this
9 subsection (d), then the teacher shall not enter upon
10 contractual continued service and shall be dismissed. If a
11 performance evaluation is not conducted for any school term
12 when such evaluation is required to be conducted under Section
13 24A-5 of this Code, then the teacher's performance evaluation
14 rating for such school term for purposes of determining the
15 attainment of contractual continued service shall be deemed
16 "Proficient", except that, during any time in which the
17 Governor has declared a disaster due to a public health
18 emergency pursuant to Section 7 of the Illinois Emergency
19 Management Agency Act, this default to "Proficient" does not
20 apply to any teacher who has entered into contractual
21 continued service and who was deemed "Excellent" on his or her
22 most recent evaluation. During any time in which the Governor
23 has declared a disaster due to a public health emergency
24 pursuant to Section 7 of the Illinois Emergency Management
25 Agency Act and unless the school board and any exclusive
26 bargaining representative have completed the performance

1 rating for teachers or mutually agreed to an alternate
2 performance rating, any teacher who has entered into
3 contractual continued service, whose most recent evaluation
4 was deemed "Excellent", and whose performance evaluation is
5 not conducted when the evaluation is required to be conducted
6 shall receive a teacher's performance rating deemed
7 "Excellent". A school board and any exclusive bargaining
8 representative may mutually agree to an alternate performance
9 rating for teachers not in contractual continued service
10 during any time in which the Governor has declared a disaster
11 due to a public health emergency pursuant to Section 7 of the
12 Illinois Emergency Management Agency Act, as long as the
13 agreement is in writing.

14 (e) For the purposes of determining contractual continued
15 service, a school term shall be counted only toward attainment
16 of contractual continued service if the teacher actually
17 teaches or is otherwise present and participating in the
18 district's or program's educational program for 120 days or
19 more, provided that the days of leave under the federal Family
20 Medical Leave Act that the teacher is required to take until
21 the end of the school term shall be considered days of teaching
22 or participation in the district's or program's educational
23 program. A school term that is not counted toward attainment
24 of contractual continued service shall not be considered a
25 break in service for purposes of determining whether a teacher
26 has been employed for 4 consecutive school terms, provided

1 that the teacher actually teaches or is otherwise present and
2 participating in the district's or program's educational
3 program in the following school term.

4 (f) If the employing board determines to dismiss the
5 teacher in the last year of the probationary period as
6 provided in subsection (c) of this Section or subdivision (1)
7 or (2) of subsection (d) of this Section, but not subdivision
8 (3) of subsection (d) of this Section, the written notice of
9 dismissal provided by the employing board must contain
10 specific reasons for dismissal. Any full-time teacher who does
11 not receive written notice from the employing board at least
12 45 days before the end of any school term as provided in this
13 Section and whose performance does not require dismissal after
14 the fourth probationary year pursuant to subsection (d) of
15 this Section shall be re-employed for the following school
16 term.

17 (g) Contractual continued service shall continue in effect
18 the terms and provisions of the contract with the teacher
19 during the last school term of the probationary period,
20 subject to this Act and the lawful regulations of the
21 employing board. This Section and succeeding Sections do not
22 modify any existing power of the board except with respect to
23 the procedure of the discharge of a teacher and reductions in
24 salary as hereinafter provided. Contractual continued service
25 status shall not restrict the power of the board to transfer a
26 teacher to a position which the teacher is qualified to fill or

1 to make such salary adjustments as it deems desirable, but
2 unless reductions in salary are uniform or based upon some
3 reasonable classification, any teacher whose salary is reduced
4 shall be entitled to a notice and a hearing as hereinafter
5 provided in the case of certain dismissals or removals.

6 (h) If, by reason of any change in the boundaries of school
7 districts or by reason of the creation of a new school
8 district, the position held by any teacher having a
9 contractual continued service status is transferred from one
10 board to the control of a new or different board, then the
11 contractual continued service status of the teacher is not
12 thereby lost, and such new or different board is subject to
13 this Code with respect to the teacher in the same manner as if
14 the teacher were its employee and had been its employee during
15 the time the teacher was actually employed by the board from
16 whose control the position was transferred.

17 (i) The employment of any teacher in a program of a special
18 education joint agreement established under Section 3-15.14,
19 10-22.31 or 10-22.31a shall be governed by this and succeeding
20 Sections of this Article. For purposes of attaining and
21 maintaining contractual continued service and computing length
22 of continuing service as referred to in this Section and
23 Section 24-12, employment in a special educational joint
24 program shall be deemed a continuation of all previous
25 licensed ~~certificated~~ employment of such teacher for such
26 joint agreement whether the employer of the teacher was the

1 joint agreement, the regional superintendent, or one of the
2 participating districts in the joint agreement.

3 (j) For any teacher employed after July 1, 1987 as a
4 full-time teacher in a program of a special education joint
5 agreement, whether the program is operated by the joint
6 agreement or a member district on behalf of the joint
7 agreement, in the event of a reduction in the number of
8 programs or positions in the joint agreement in which the
9 notice of dismissal is provided on or before the end of the
10 2010-2011 school term, the teacher in contractual continued
11 service is eligible for employment in the joint agreement
12 programs for which the teacher is legally qualified in order
13 of greater length of continuing service in the joint
14 agreement, unless an alternative method of determining the
15 sequence of dismissal is established in a collective
16 bargaining agreement. For any teacher employed after July 1,
17 1987 as a full-time teacher in a program of a special education
18 joint agreement, whether the program is operated by the joint
19 agreement or a member district on behalf of the joint
20 agreement, in the event of a reduction in the number of
21 programs or positions in the joint agreement in which the
22 notice of dismissal is provided during the 2011-2012 school
23 term or a subsequent school term, the teacher shall be
24 included on the honorable dismissal lists of all joint
25 agreement programs for positions for which the teacher is
26 qualified and is eligible for employment in such programs in

1 accordance with subsections (b) and (c) of Section 24-12 of
2 this Code and the applicable honorable dismissal policies of
3 the joint agreement.

4 (k) For any teacher employed after July 1, 1987 as a
5 full-time teacher in a program of a special education joint
6 agreement, whether the program is operated by the joint
7 agreement or a member district on behalf of the joint
8 agreement, in the event of the dissolution of a joint
9 agreement, in which the notice to teachers of the dissolution
10 is provided during the 2010-2011 school term, the teacher in
11 contractual continued service who is legally qualified shall
12 be assigned to any comparable position in a member district
13 currently held by a teacher who has not entered upon
14 contractual continued service or held by a teacher who has
15 entered upon contractual continued service with a shorter
16 length of contractual continued service. Any teacher employed
17 after July 1, 1987 as a full-time teacher in a program of a
18 special education joint agreement, whether the program is
19 operated by the joint agreement or a member district on behalf
20 of the joint agreement, in the event of the dissolution of a
21 joint agreement in which the notice to teachers of the
22 dissolution is provided during the 2011-2012 school term or a
23 subsequent school term, the teacher who is qualified shall be
24 included on the order of honorable dismissal lists of each
25 member district and shall be assigned to any comparable
26 position in any such district in accordance with subsections

1 (b) and (c) of Section 24-12 of this Code and the applicable
2 honorable dismissal policies of each member district.

3 (l) The governing board of the joint agreement, or the
4 administrative district, if so authorized by the articles of
5 agreement of the joint agreement, rather than the board of
6 education of a school district, may carry out employment and
7 termination actions including dismissals under this Section
8 and Section 24-12.

9 (m) The employment of any teacher in a special education
10 program authorized by Section 14-1.01 through 14-14.01, or a
11 joint educational program established under Section 10-22.31a,
12 shall be under this and the succeeding Sections of this
13 Article, and such employment shall be deemed a continuation of
14 the previous employment of such teacher in any of the
15 participating districts, regardless of the participation of
16 other districts in the program.

17 (n) Any teacher employed as a full-time teacher in a
18 special education program prior to September 23, 1987 in which
19 2 or more school districts participate for a probationary
20 period of 2 consecutive years shall enter upon contractual
21 continued service in each of the participating districts,
22 subject to this and the succeeding Sections of this Article,
23 and, notwithstanding Section 24-1.5 of this Code, in the event
24 of the termination of the program shall be eligible for any
25 vacant position in any of such districts for which such
26 teacher is qualified.

1 (Source: P.A. 101-643, eff. 6-18-20.)

2 (105 ILCS 5/24-14) (from Ch. 122, par. 24-14)

3 Sec. 24-14. Termination of contractual continued service
4 by teacher. A teacher, as defined in Section 24-11 of this
5 Code, who has entered into contractual continued service may
6 resign at any time by obtaining concurrence of the board or by
7 serving at least 30 days' written notice upon the secretary of
8 the board. However, no teacher may resign during the school
9 term, without the concurrence of the board, in order to accept
10 another teaching assignment. Any teacher terminating said
11 service not in accordance with this Section may be referred by
12 the board to the State Superintendent of Education. A referral
13 to the State Superintendent for an alleged violation of this
14 Section must include (i) a dated copy of the teacher's
15 resignation letter, (ii) a copy of the reporting district's
16 current school year calendar, (iii) proof of employment for
17 the school year at issue, (iv) documentation showing that the
18 district's board did not accept the teacher's resignation, and
19 (v) evidence that the teacher left the district in order to
20 accept another teaching assignment. The State Superintendent
21 or his or her designee shall convene an informal evidentiary
22 hearing no later than 90 days after receipt of a resolution by
23 the board. If the State Superintendent or his or her designee
24 finds that the teacher resigned during the school term without
25 the concurrence of the board to accept another teaching

1 assignment, the State Superintendent must suspend the
2 teacher's license for one calendar year. In lieu of a hearing
3 and finding, the teacher may agree to a lesser licensure
4 sanction at the discretion of the State Superintendent.

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

6 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

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

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

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

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

20 (a-6) The school district or regional superintendent shall
21 further perform a check of the Statewide Murderer and Violent
22 Offender Against Youth Database, as authorized by the Murderer
23 and Violent Offender Against Youth Community Notification Law,
24 for each applicant. The check of the Murderer and Violent
25 Offender Against Youth Database must be conducted by the
26 school district or regional superintendent once for every 5

1 years that an applicant remains employed by the school
2 district.

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

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

1 Database or Statewide Murderer and Violent Offender Against
2 Youth Database, the applicant has not been identified in the
3 Database. The school board of any school district may rely on
4 the certificate issued by any regional superintendent to that
5 substitute teacher, concurrent part-time teacher, or
6 concurrent educational support personnel employee or may
7 initiate its own criminal history records check of the
8 applicant through the Department of State Police and its own
9 check of the Statewide Sex Offender Database or Statewide
10 Murderer and Violent Offender Against Youth Database as
11 provided in this Section. Any unauthorized release of
12 confidential information may be a violation of Section 7 of
13 the Criminal Identification Act.

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

26 (c) The board of education shall not knowingly employ a

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

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

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

25 No later than 15 business days after receipt of a record of
26 conviction or of checking the Statewide Murderer and Violent

1 Offender Against Youth Database or the Statewide Sex Offender
2 Database and finding a registration, the general
3 superintendent of schools or the applicable regional
4 superintendent shall, in writing, notify the State
5 Superintendent of Education of any license holder who has been
6 convicted of a crime set forth in Section 21B-80 of this Code.
7 Upon receipt of the record of a conviction of or a finding of
8 child abuse by a holder of any license issued pursuant to
9 Article 21B or Section 34-8.1 or 34-83 of this Code, the State
10 Superintendent of Education may initiate licensure suspension
11 and revocation proceedings as authorized by law. If the
12 receipt of the record of conviction or finding of child abuse
13 is received within 6 months after the initial grant of or
14 renewal of a license, the State Superintendent of Education
15 may rescind the license holder's license.

16 (e-5) The general superintendent of schools shall, in
17 writing, notify the State Superintendent of Education of any
18 license holder whom he or she has reasonable cause to believe
19 has committed an intentional act of abuse or neglect with the
20 result of making a child an abused child or a neglected child,
21 as defined in Section 3 of the Abused and Neglected Child
22 Reporting Act, and that act resulted in the license holder's
23 dismissal or resignation from the school district and must
24 include the Illinois Educator Identification Number (IEIN) of
25 the license holder and a brief description of the misconduct
26 alleged. This notification must be submitted within 30 days

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

20 (f) After March 19, 1990, the provisions of this Section
21 shall apply to all employees of persons or firms holding
22 contracts with any school district including, but not limited
23 to, food service workers, school bus drivers and other
24 transportation employees, who have direct, daily contact with
25 the pupils of any school in such district. For purposes of
26 criminal history records checks and checks of the Statewide

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

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

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

1 the student teacher's name, sex, race, date of birth, social
2 security number, fingerprint images, and other identifiers, as
3 prescribed by the Department of State Police, to the
4 Department of State Police. The Department of State Police and
5 the Federal Bureau of Investigation shall furnish, pursuant to
6 a fingerprint-based criminal history records check, records of
7 convictions, forever and hereinafter, until expunged, to the
8 president of the board. The Department shall charge the school
9 district a fee for conducting the check, which fee must not
10 exceed the cost of the inquiry and must be deposited into the
11 State Police Services Fund. The school district shall further
12 perform a check of the Statewide Sex Offender Database, as
13 authorized by the Sex Offender Community Notification Law, and
14 of the Statewide Murderer and Violent Offender Against Youth
15 Database, as authorized by the Murderer and Violent Offender
16 Against Youth Registration Act, for each student teacher. The
17 board may not knowingly allow a person to student teach for
18 whom a criminal history records check, a Statewide Sex
19 Offender Database check, and a Statewide Murderer and Violent
20 Offender Against Youth Database check have not been completed
21 and reviewed by the district.

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

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

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

22 (h) (Blank).

23 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
24 101-643, eff. 6-18-20.)

25 Section 90. The State Mandates Act is amended by adding

1 Section 8.45 as follows:

2 (30 ILCS 805/8.45 new)

3 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
4 8 of this Act, no reimbursement by the State is required for
5 the implementation of any mandate created by this amendatory
6 Act of the 102nd General Assembly.