

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections  
5 10-21.9, 21B-75, 21B-80, 21B-85, 24-11, 24-14, and 34-18.5 as  
6 follows:

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

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

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

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

1 criminal history records check, records of convictions,  
2 forever and hereinafter, until expunged, to the president of  
3 the school board for the school district that requested the  
4 check, or to the regional superintendent who requested the  
5 check. The Department shall charge the school district or the  
6 appropriate regional superintendent a fee for conducting such  
7 check, which fee shall be deposited in the State Police  
8 Services Fund and shall not exceed the cost of the inquiry; and  
9 the applicant shall not be charged a fee for such check by the  
10 school district or by the regional superintendent, except that  
11 those applicants seeking employment as a substitute teacher  
12 with a school district may be charged a fee not to exceed the  
13 cost of the inquiry. Subject to appropriations for these  
14 purposes, the State Superintendent of Education shall  
15 reimburse school districts and regional superintendents for  
16 fees paid to obtain criminal history records checks under this  
17 Section.

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

26 (a-6) The school district or regional superintendent shall

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

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

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

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

1 subsection (b) based on those checks. If the State Board  
2 receives information on an applicant under this subsection,  
3 then it must indicate in the Educator Licensure Information  
4 System for a 90-day period that the applicant has been issued  
5 or has not been issued a certificate.

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

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

23 (e) Within 10 days after a superintendent, regional office  
24 of education, or entity that provides background checks of  
25 license holders to public schools receives information of a  
26 pending criminal charge against a license holder for an

1 offense set forth in Section 21B-80 of this Code, the  
2 superintendent, regional office of education, or entity must  
3 notify the State Superintendent of Education of the pending  
4 criminal charge.

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

23 (e-5) The superintendent of the employing school board  
24 shall, in writing, notify the State Superintendent of  
25 Education and the applicable regional superintendent of  
26 schools of any license holder whom he or she has reasonable



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

1 immunity from any liability, whether civil or criminal or that  
2 otherwise might result by reason of such action.

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

24 (f-5) Upon request of a school or school district, any  
25 information obtained by a school district pursuant to  
26 subsection (f) of this Section within the last year must be

1 made available to the requesting school or school district.

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

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

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

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

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

8 (h) (Blank).

9 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
10 101-643, eff. 6-18-20.)

11 (105 ILCS 5/21B-75)

12 Sec. 21B-75. Suspension or revocation of license, l  
13 endorsement, or approval.

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

18 (b) The State Superintendent of Education has the  
19 exclusive authority, in accordance with this Section and any  
20 rules adopted by the State Board of Education, in consultation  
21 with the State Educator Preparation and Licensure Board, to  
22 initiate the suspension of up to 5 calendar years or  
23 revocation of any license, endorsement, or approval issued  
24 pursuant to this Article for abuse or neglect of a child,  
25 immorality, a condition of health detrimental to the welfare

1 of pupils, incompetency, unprofessional conduct (which  
2 includes the failure to disclose on an employment application  
3 any previous conviction for a sex offense, as defined in  
4 Section 21B-80 of this Code, or any other offense committed in  
5 any other state or against the laws of the United States that,  
6 if committed in this State, would be punishable as a sex  
7 offense, as defined in Section 21B-80 of this Code), the  
8 neglect of any professional duty, willful or negligent failure  
9 to report an instance of suspected child abuse or neglect as  
10 required by the Abused and Neglected Child Reporting Act, or  
11 other just cause. Negligent failure to report an instance of  
12 suspected child abuse or neglect occurs when a teacher  
13 personally observes an instance of suspected child abuse or  
14 neglect and reasonably believes, in his or her professional or  
15 official capacity, that the instance constitutes an act of  
16 child abuse or neglect under the Abused and Neglected Child  
17 Reporting Act, and he or she, without willful intent, fails to  
18 immediately report or cause a report to be made of the  
19 suspected abuse or neglect to the Department of Children and  
20 Family Services, as required by the Abused and Neglected Child  
21 Reporting Act. Unprofessional conduct shall include the  
22 refusal to attend or participate in institutes, teachers'  
23 meetings, or professional readings or to meet other reasonable  
24 requirements of the regional superintendent of schools or  
25 State Superintendent of Education. Unprofessional conduct also  
26 includes conduct that violates the standards, ethics, or rules

1 applicable to the security, administration, monitoring, or  
2 scoring of or the reporting of scores from any assessment test  
3 or examination administered under Section 2-3.64a-5 of this  
4 Code or that is known or intended to produce or report  
5 manipulated or artificial, rather than actual, assessment or  
6 achievement results or gains from the administration of those  
7 tests or examinations. Unprofessional conduct shall also  
8 include neglect or unnecessary delay in the making of  
9 statistical and other reports required by school officers.  
10 Incompetency shall include, without limitation, 2 or more  
11 school terms of service for which the license holder has  
12 received an unsatisfactory rating on a performance evaluation  
13 conducted pursuant to Article 24A of this Code within a period  
14 of 7 school terms of service. In determining whether to  
15 initiate action against one or more licenses based on  
16 incompetency and the recommended sanction for such action, the  
17 State Superintendent shall consider factors that include  
18 without limitation all of the following:

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

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

26 (3) Whether the evaluator or evaluators who performed

1 an unsatisfactory evaluation met the pre-licensure and  
2 training requirements set forth in Section 24A-3 of this  
3 Code.

4 (4) The time between the unsatisfactory evaluation  
5 ratings.

6 (5) The quality of the remediation plans associated  
7 with the unsatisfactory evaluation ratings and whether the  
8 license holder successfully completed the remediation  
9 plans.

10 (6) Whether the unsatisfactory evaluation ratings were  
11 related to the same or different assignments performed by  
12 the license holder.

13 (7) Whether one or more of the unsatisfactory  
14 evaluation ratings occurred in the first year of a  
15 teaching or administrative assignment.

16 When initiating an action against one or more licenses, the  
17 State Superintendent may seek required professional  
18 development as a sanction in lieu of or in addition to  
19 suspension or revocation. Any such required professional  
20 development must be at the expense of the license holder, who  
21 may use, if available and applicable to the requirements  
22 established by administrative or court order, training,  
23 coursework, or other professional development funds in  
24 accordance with the terms of an applicable collective  
25 bargaining agreement entered into after June 13, 2011 (the  
26 effective date of Public Act 97-8), unless that agreement



1 specifically precludes use of funds for such purpose.

2 (c) The State Superintendent of Education shall, upon  
3 receipt of evidence of abuse or neglect of a child,  
4 immorality, a condition of health detrimental to the welfare  
5 of pupils, incompetency (subject to subsection (b) of this  
6 Section), unprofessional conduct, the neglect of any  
7 professional duty, or other just cause, further investigate  
8 and, if and as appropriate, serve written notice to the  
9 individual and afford the individual opportunity for a hearing  
10 prior to suspension, revocation, or other sanction; provided  
11 that the State Superintendent is under no obligation to  
12 initiate such an investigation if the Department of Children  
13 and Family Services is investigating the same or substantially  
14 similar allegations and its child protective service unit has  
15 not made its determination, as required under Section 7.12 of  
16 the Abused and Neglected Child Reporting Act. If the State  
17 Superintendent of Education does not receive from an  
18 individual a request for a hearing within 10 days after the  
19 individual receives notice, the suspension, revocation, or  
20 other sanction shall immediately take effect in accordance  
21 with the notice. If a hearing is requested within 10 days after  
22 notice of an opportunity for hearing, it shall act as a stay of  
23 proceedings until the State Educator Preparation and Licensure  
24 Board issues a decision. Any hearing shall take place in the  
25 educational service region where the educator is or was last  
26 employed and in accordance with rules adopted by the State

1 Board of Education, in consultation with the State Educator  
2 Preparation and Licensure Board, and such rules shall include  
3 without limitation provisions for discovery and the sharing of  
4 information between parties prior to the hearing. The standard  
5 of proof for any administrative hearing held pursuant to this  
6 Section shall be by the preponderance of the evidence. The  
7 decision of the State Educator Preparation and Licensure Board  
8 is a final administrative decision and is subject to judicial  
9 review by appeal of either party.

10 The State Board of Education may refuse to issue or may  
11 suspend the license of any person who fails to file a return or  
12 to pay the tax, penalty, or interest shown in a filed return or  
13 to pay any final assessment of tax, penalty, or interest, as  
14 required by any tax Act administered by the Department of  
15 Revenue, until such time as the requirements of any such tax  
16 Act are satisfied.

17 The exclusive authority of the State Superintendent of  
18 Education to initiate suspension or revocation of a license  
19 pursuant to this Section does not preclude a regional  
20 superintendent of schools from cooperating with the State  
21 Superintendent or a State's Attorney with respect to an  
22 investigation of alleged misconduct.

23 (d) The State Superintendent of Education or his or her  
24 designee may initiate and conduct such investigations as may  
25 be reasonably necessary to establish the existence of any  
26 alleged misconduct. At any stage of the investigation, the

1 State Superintendent may issue a subpoena requiring the  
2 attendance and testimony of a witness, including the license  
3 holder, and the production of any evidence, including files,  
4 records, correspondence, or documents, relating to any matter  
5 in question in the investigation. The subpoena shall require a  
6 witness to appear at the State Board of Education at a  
7 specified date and time and shall specify any evidence to be  
8 produced. The license holder is not entitled to be present,  
9 but the State Superintendent shall provide the license holder  
10 with a copy of any recorded testimony prior to a hearing under  
11 this Section. Such recorded testimony must not be used as  
12 evidence at a hearing, unless the license holder has adequate  
13 notice of the testimony and the opportunity to cross-examine  
14 the witness. Failure of a license holder to comply with a duly  
15 issued, investigatory subpoena may be grounds for revocation,  
16 suspension, or denial of a license.

17 (e) All correspondence, documentation, and other  
18 information so received by the regional superintendent of  
19 schools, the State Superintendent of Education, the State  
20 Board of Education, or the State Educator Preparation and  
21 Licensure Board under this Section is confidential and must  
22 not be disclosed to third parties, except (i) as necessary for  
23 the State Superintendent of Education or his or her designee  
24 to investigate and prosecute pursuant to this Article, (ii)  
25 pursuant to a court order, (iii) for disclosure to the license  
26 holder or his or her representative, or (iv) as otherwise

1 required in this Article and provided that any such  
2 information admitted into evidence in a hearing is exempt from  
3 this confidentiality and non-disclosure requirement.

4 (f) The State Superintendent of Education or a person  
5 designated by him or her shall have the power to administer  
6 oaths to witnesses at any hearing conducted before the State  
7 Educator Preparation and Licensure Board pursuant to this  
8 Section. The State Superintendent of Education or a person  
9 designated by him or her is authorized to subpoena and bring  
10 before the State Educator Preparation and Licensure Board any  
11 person in this State and to take testimony either orally or by  
12 deposition or by exhibit, with the same fees and mileage and in  
13 the same manner as prescribed by law in judicial proceedings  
14 in civil cases in circuit courts of this State.

15 (g) Any circuit court, upon the application of the State  
16 Superintendent of Education or the license holder, may, by  
17 order duly entered, require the attendance of witnesses and  
18 the production of relevant books and papers as part of any  
19 investigation or at any hearing the State Educator Preparation  
20 and Licensure Board is authorized to conduct pursuant to this  
21 Section, and the court may compel obedience to its orders by  
22 proceedings for contempt.

23 (h) The State Board of Education shall receive an annual  
24 line item appropriation to cover fees associated with the  
25 investigation and prosecution of alleged educator misconduct  
26 and hearings related thereto.

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

2 (105 ILCS 5/21B-80)

3 Sec. 21B-80. Conviction of certain offenses as grounds for  
4 disqualification for licensure or suspension or revocation of  
5 a license.

6 (a) As used in this Section:

7 "Drug offense" means any one or more of the following  
8 offenses:

9 (1) Any offense defined in the Cannabis Control Act,  
10 except those defined in subdivisions (a), (b), and (c) of  
11 Section 4 and subdivisions (a) and (b) of Section 5 of the  
12 Cannabis Control Act and any offense for which the holder  
13 of a license is placed on probation under the provisions  
14 of Section 10 of the Cannabis Control Act, provided that  
15 if the terms and conditions of probation required by the  
16 court are not fulfilled, the offense is not eligible for  
17 this exception.

18 (2) Any offense defined in the Illinois Controlled  
19 Substances Act, except any offense for which the holder of  
20 a license is placed on probation under the provisions of  
21 Section 410 of the Illinois Controlled Substances Act,  
22 provided that if the terms and conditions of probation  
23 required by the court are not fulfilled, the offense is  
24 not eligible for this exception.

25 (3) Any offense defined in the Methamphetamine Control

1 and Community Protection Act, except any offense for which  
2 the holder of a license is placed on probation under the  
3 provision of Section 70 of that Act, provided that if the  
4 terms and conditions of probation required by the court  
5 are not fulfilled, the offense is not eligible for this  
6 exception.

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

9 (5) Any offense committed or attempted in any other  
10 state or against the laws of the United States that, if  
11 committed or attempted in this State, would have been  
12 punishable as one or more of the offenses listed in items  
13 (1) through (4) of this definition.

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

16 "Sentence" includes any period of supervised release or  
17 probation that was imposed either alone or in combination with  
18 a period of incarceration.

19 "Sex or other offense" means any one or more of the  
20 following offenses:

21 (A) Any offense defined in Article 9 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012; Sections 11-6,  
23 11-9 through 11-9.5, inclusive, and 11-30 (if punished as  
24 a Class 4 felony) of the Criminal Code of 1961 or the  
25 Criminal Code of 2012; Sections 11-14.1 through 11-21,  
26 inclusive, of the Criminal Code of 1961 or the Criminal

1 Code of 2012; Sections 11-23 (if punished as a Class 3  
2 felony), 11-24, 11-25, and 11-26 of the Criminal Code of  
3 1961 or the Criminal Code of 2012; Section 10-5.1,  
4 subsection (c) of Section 10-9, and Sections 11-6.6,  
5 11-11, 12-3.05, 12-3.3, 12-6.4, 12-7.1, 12-34, 12-34.5,  
6 and 12-35 of the Criminal Code of 2012; and Sections  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
8 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if  
9 punished pursuant to subdivision (4) or (5) of subsection  
10 (d) of Section 26-4) of the Criminal Code of 1961 or the  
11 Criminal Code of 2012.

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

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

18 (b) Whenever the holder of any license issued pursuant to  
19 this Article or applicant for a license to be issued pursuant  
20 to this Article has been convicted of any drug offense, other  
21 than as provided in subsection (c) of this Section, the State  
22 Superintendent of Education shall forthwith suspend the  
23 license or deny the application, whichever is applicable,  
24 until 7 years following the end of the sentence for the  
25 criminal offense. If the conviction is reversed and the holder  
26 is acquitted of the offense in a new trial or the charges

1 against him or her are dismissed, the State Superintendent of  
2 Education shall forthwith terminate the suspension of the  
3 license.

4 (b-5) Whenever the holder of a license issued pursuant to  
5 this Article or applicant for a license to be issued pursuant  
6 to this Article has been charged with attempting to commit,  
7 conspiring to commit, soliciting, or committing any sex or  
8 other offense, as enumerated under item (A) of subsection (a),  
9 first degree murder, or a Class X felony or any offense  
10 committed or attempted in any other state or against the laws  
11 of the United States that, if committed or attempted in this  
12 State, would have been punishable as one or more of the  
13 foregoing offenses, the State Superintendent of Education  
14 shall immediately suspend the license or deny the application  
15 until the person's criminal charges are adjudicated through a  
16 court of competent jurisdiction. If the person is acquitted,  
17 his or her license or application shall be immediately  
18 reinstated.

19 (c) 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 convicted of 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 forthwith suspend the license or deny the application,  
4 whichever is applicable. If the conviction is reversed and the  
5 holder is acquitted of that offense in a new trial or the  
6 charges that he or she committed that offense are dismissed,  
7 the State Superintendent of Education shall forthwith  
8 terminate the suspension of the license. When the conviction  
9 becomes final, the State Superintendent of Education shall  
10 forthwith revoke the license.

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

12 (105 ILCS 5/21B-85)

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

14 (a) Whenever the holder of any license issued under this  
15 Article is employed by the school board of a school district,  
16 including a special charter district or a school district  
17 organized under Article 34 of this Code, and is convicted,  
18 either after a bench trial, trial by jury, or plea of guilty,  
19 of any offense for which a sentence to death or a term of  
20 imprisonment in a penitentiary for one year or more is  
21 provided, the school board shall promptly notify the State  
22 Superintendent of Education, in writing, of the name of the  
23 license holder, the fact of the conviction, and the name and  
24 location of the court in which the conviction occurred.

25 (b) Whenever the school board of a school district,

1 including a special charter district or a school district  
2 organized under Article 34 of this Code, ~~State Superintendent~~  
3 ~~of Education receives notice of a conviction under subsection~~  
4 ~~(a) of this Section or otherwise~~ learns that any person who is  
5 a teacher, as that term is defined in Section 16-106 of the  
6 Illinois Pension Code, has been convicted, either after a  
7 bench trial, trial by jury, or plea of guilty, of any offense  
8 for which a sentence to death or a term of imprisonment in a  
9 penitentiary for one year or more is provided, the school  
10 board ~~State Superintendent of Education~~ shall promptly notify,  
11 in writing, the board of trustees of the Teachers' Retirement  
12 System of the State of Illinois and the board of trustees of  
13 the Public School Teachers' Pension and Retirement Fund of the  
14 City of Chicago of the name of the license holder, the fact of  
15 the conviction, the name and location of the court in which the  
16 conviction occurred, and the number assigned in that court to  
17 the case in which the conviction occurred.

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

19 (105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

20 Sec. 24-11. Boards of Education - Boards of School  
21 Inspectors - Contractual continued service.

22 (a) As used in this and the succeeding Sections of this  
23 Article:

24 "Teacher" means any or all school district employees  
25 regularly required to be licensed ~~certified~~ under laws

1 relating to the licensure ~~certification~~ of teachers.

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

4 "School term" means that portion of the school year, July  
5 1 to the following June 30, when school is in actual session.

6 "Program" means a program of a special education joint  
7 agreement.

8 "Program of a special education joint agreement" means  
9 instructional, consultative, supervisory, administrative,  
10 diagnostic, and related services that are managed by a special  
11 educational joint agreement designed to service 2 or more  
12 school districts that are members of the joint agreement.

13 "PERA implementation date" means the implementation date  
14 of an evaluation system for teachers as specified by Section  
15 24A-2.5 of this Code for all schools within a school district  
16 or all programs of a special education joint agreement.

17 (b) This Section and Sections 24-12 through 24-16 of this  
18 Article apply only to school districts having less than  
19 500,000 inhabitants.

20 (c) Any teacher who is first employed as a full-time  
21 teacher in a school district or program prior to the PERA  
22 implementation date and who is employed in that district or  
23 program for a probationary period of 4 consecutive school  
24 terms shall enter upon contractual continued service in the  
25 district or in all of the programs that the teacher is legally  
26 qualified to hold, unless the teacher is given written notice

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

4 (d) For any teacher who is first employed as a full-time  
5 teacher in a school district or program on or after the PERA  
6 implementation date, the probationary period shall be one of  
7 the following periods, based upon the teacher's school terms  
8 of service and performance, before the teacher shall enter  
9 upon contractual continued service in the district or in all  
10 of the programs that the teacher is legally qualified to hold,  
11 unless the teacher is given written notice of dismissal by  
12 certified mail, return receipt requested, by the employing  
13 board at least 45 days before the end of any school term within  
14 such period:

15 (1) 4 consecutive school terms of service in which the  
16 teacher receives overall annual evaluation ratings of at  
17 least "Proficient" in the last school term and at least  
18 "Proficient" in either the second or third school term;

19 (2) 3 consecutive school terms of service in which the  
20 teacher receives 3 overall annual evaluations of  
21 "Excellent"; or

22 (3) 2 consecutive school terms of service in which the  
23 teacher receives 2 overall annual evaluations of  
24 "Excellent" service, but only if the teacher (i)  
25 previously attained contractual continued service in a  
26 different school district or program in this State, (ii)

1 voluntarily departed or was honorably dismissed from that  
2 school district or program in the school term immediately  
3 prior to the teacher's first school term of service  
4 applicable to the attainment of contractual continued  
5 service under this subdivision (3), and (iii) received, in  
6 his or her 2 most recent overall annual or biennial  
7 evaluations from the prior school district or program,  
8 ratings of at least "Proficient", with both such ratings  
9 occurring after the school district's or program's PERA  
10 implementation date. For a teacher to attain contractual  
11 continued service under this subdivision (3), the teacher  
12 shall provide official copies of his or her 2 most recent  
13 overall annual or biennial evaluations from the prior  
14 school district or program to the new school district or  
15 program within 60 days from the teacher's first day of  
16 service with the new school district or program. The prior  
17 school district or program must provide the teacher with  
18 official copies of his or her 2 most recent overall annual  
19 or biennial evaluations within 14 days after the teacher's  
20 request. If a teacher has requested such official copies  
21 prior to 45 days after the teacher's first day of service  
22 with the new school district or program and the teacher's  
23 prior school district or program fails to provide the  
24 teacher with the official copies required under this  
25 subdivision (3), then the time period for the teacher to  
26 submit the official copies to his or her new school

1 district or program must be extended until 14 days after  
2 receipt of such copies from the prior school district or  
3 program. If the prior school district or program fails to  
4 provide the teacher with the official copies required  
5 under this subdivision (3) within 90 days from the  
6 teacher's first day of service with the new school  
7 district or program, then the new school district or  
8 program shall rely upon the teacher's own copies of his or  
9 her evaluations for purposes of this subdivision (3).

10 If the teacher does not receive overall annual evaluations  
11 of "Excellent" in the school terms necessary for eligibility  
12 to achieve accelerated contractual continued service in  
13 subdivisions (2) and (3) of this subsection (d), the teacher  
14 shall be eligible for contractual continued service pursuant  
15 to subdivision (1) of this subsection (d). If, at the  
16 conclusion of 4 consecutive school terms of service that count  
17 toward attainment of contractual continued service, the  
18 teacher's performance does not qualify the teacher for  
19 contractual continued service under subdivision (1) of this  
20 subsection (d), then the teacher shall not enter upon  
21 contractual continued service and shall be dismissed. If a  
22 performance evaluation is not conducted for any school term  
23 when such evaluation is required to be conducted under Section  
24 24A-5 of this Code, then the teacher's performance evaluation  
25 rating for such school term for purposes of determining the  
26 attainment of contractual continued service shall be deemed

1 "Proficient", except that, during any time in which the  
2 Governor has declared a disaster due to a public health  
3 emergency pursuant to Section 7 of the Illinois Emergency  
4 Management Agency Act, this default to "Proficient" does not  
5 apply to any teacher who has entered into contractual  
6 continued service and who was deemed "Excellent" on his or her  
7 most recent evaluation. During any time in which the Governor  
8 has declared a disaster due to a public health emergency  
9 pursuant to Section 7 of the Illinois Emergency Management  
10 Agency Act and unless the school board and any exclusive  
11 bargaining representative have completed the performance  
12 rating for teachers or mutually agreed to an alternate  
13 performance rating, any teacher who has entered into  
14 contractual continued service, whose most recent evaluation  
15 was deemed "Excellent", and whose performance evaluation is  
16 not conducted when the evaluation is required to be conducted  
17 shall receive a teacher's performance rating deemed  
18 "Excellent". A school board and any exclusive bargaining  
19 representative may mutually agree to an alternate performance  
20 rating for teachers not in contractual continued service  
21 during any time in which the Governor has declared a disaster  
22 due to a public health emergency pursuant to Section 7 of the  
23 Illinois Emergency Management Agency Act, as long as the  
24 agreement is in writing.

25 (e) For the purposes of determining contractual continued  
26 service, a school term shall be counted only toward attainment

1 of contractual continued service if the teacher actually  
2 teaches or is otherwise present and participating in the  
3 district's or program's educational program for 120 days or  
4 more, provided that the days of leave under the federal Family  
5 Medical Leave Act that the teacher is required to take until  
6 the end of the school term shall be considered days of teaching  
7 or participation in the district's or program's educational  
8 program. A school term that is not counted toward attainment  
9 of contractual continued service shall not be considered a  
10 break in service for purposes of determining whether a teacher  
11 has been employed for 4 consecutive school terms, provided  
12 that the teacher actually teaches or is otherwise present and  
13 participating in the district's or program's educational  
14 program in the following school term.

15 (f) If the employing board determines to dismiss the  
16 teacher in the last year of the probationary period as  
17 provided in subsection (c) of this Section or subdivision (1)  
18 or (2) of subsection (d) of this Section, but not subdivision  
19 (3) of subsection (d) of this Section, the written notice of  
20 dismissal provided by the employing board must contain  
21 specific reasons for dismissal. Any full-time teacher who does  
22 not receive written notice from the employing board at least  
23 45 days before the end of any school term as provided in this  
24 Section and whose performance does not require dismissal after  
25 the fourth probationary year pursuant to subsection (d) of  
26 this Section shall be re-employed for the following school



1 term.

2 (g) Contractual continued service shall continue in effect  
3 the terms and provisions of the contract with the teacher  
4 during the last school term of the probationary period,  
5 subject to this Act and the lawful regulations of the  
6 employing board. This Section and succeeding Sections do not  
7 modify any existing power of the board except with respect to  
8 the procedure of the discharge of a teacher and reductions in  
9 salary as hereinafter provided. Contractual continued service  
10 status shall not restrict the power of the board to transfer a  
11 teacher to a position which the teacher is qualified to fill or  
12 to make such salary adjustments as it deems desirable, but  
13 unless reductions in salary are uniform or based upon some  
14 reasonable classification, any teacher whose salary is reduced  
15 shall be entitled to a notice and a hearing as hereinafter  
16 provided in the case of certain dismissals or removals.

17 (h) If, by reason of any change in the boundaries of school  
18 districts or by reason of the creation of a new school  
19 district, the position held by any teacher having a  
20 contractual continued service status is transferred from one  
21 board to the control of a new or different board, then the  
22 contractual continued service status of the teacher is not  
23 thereby lost, and such new or different board is subject to  
24 this Code with respect to the teacher in the same manner as if  
25 the teacher were its employee and had been its employee during  
26 the time the teacher was actually employed by the board from

1 whose control the position was transferred.

2 (i) The employment of any teacher in a program of a special  
3 education joint agreement established under Section 3-15.14,  
4 10-22.31 or 10-22.31a shall be governed by this and succeeding  
5 Sections of this Article. For purposes of attaining and  
6 maintaining contractual continued service and computing length  
7 of continuing service as referred to in this Section and  
8 Section 24-12, employment in a special educational joint  
9 program shall be deemed a continuation of all previous  
10 licensed ~~certificated~~ employment of such teacher for such  
11 joint agreement whether the employer of the teacher was the  
12 joint agreement, the regional superintendent, or one of the  
13 participating districts in the joint agreement.

14 (j) For any teacher employed after July 1, 1987 as a  
15 full-time teacher in a program of a special education joint  
16 agreement, whether the program is operated by the joint  
17 agreement or a member district on behalf of the joint  
18 agreement, in the event of a reduction in the number of  
19 programs or positions in the joint agreement in which the  
20 notice of dismissal is provided on or before the end of the  
21 2010-2011 school term, the teacher in contractual continued  
22 service is eligible for employment in the joint agreement  
23 programs for which the teacher is legally qualified in order  
24 of greater length of continuing service in the joint  
25 agreement, unless an alternative method of determining the  
26 sequence of dismissal is established in a collective

1 bargaining agreement. For any teacher employed after July 1,  
2 1987 as a full-time teacher in a program of a special education  
3 joint agreement, whether the program is operated by the joint  
4 agreement or a member district on behalf of the joint  
5 agreement, in the event of a reduction in the number of  
6 programs or positions in the joint agreement in which the  
7 notice of dismissal is provided during the 2011-2012 school  
8 term or a subsequent school term, the teacher shall be  
9 included on the honorable dismissal lists of all joint  
10 agreement programs for positions for which the teacher is  
11 qualified and is eligible for employment in such programs in  
12 accordance with subsections (b) and (c) of Section 24-12 of  
13 this Code and the applicable honorable dismissal policies of  
14 the joint agreement.

15 (k) For any teacher employed after July 1, 1987 as a  
16 full-time teacher in a program of a special education joint  
17 agreement, whether the program is operated by the joint  
18 agreement or a member district on behalf of the joint  
19 agreement, in the event of the dissolution of a joint  
20 agreement, in which the notice to teachers of the dissolution  
21 is provided during the 2010-2011 school term, the teacher in  
22 contractual continued service who is legally qualified shall  
23 be assigned to any comparable position in a member district  
24 currently held by a teacher who has not entered upon  
25 contractual continued service or held by a teacher who has  
26 entered upon contractual continued service with a shorter

1 length of contractual continued service. Any teacher employed  
2 after July 1, 1987 as a full-time teacher in a program of a  
3 special education joint agreement, whether the program is  
4 operated by the joint agreement or a member district on behalf  
5 of the joint agreement, in the event of the dissolution of a  
6 joint agreement in which the notice to teachers of the  
7 dissolution is provided during the 2011-2012 school term or a  
8 subsequent school term, the teacher who is qualified shall be  
9 included on the order of honorable dismissal lists of each  
10 member district and shall be assigned to any comparable  
11 position in any such district in accordance with subsections  
12 (b) and (c) of Section 24-12 of this Code and the applicable  
13 honorable dismissal policies of each member district.

14 (l) The governing board of the joint agreement, or the  
15 administrative district, if so authorized by the articles of  
16 agreement of the joint agreement, rather than the board of  
17 education of a school district, may carry out employment and  
18 termination actions including dismissals under this Section  
19 and Section 24-12.

20 (m) The employment of any teacher in a special education  
21 program authorized by Section 14-1.01 through 14-14.01, or a  
22 joint educational program established under Section 10-22.31a,  
23 shall be under this and the succeeding Sections of this  
24 Article, and such employment shall be deemed a continuation of  
25 the previous employment of such teacher in any of the  
26 participating districts, regardless of the participation of

1 other districts in the program.

2 (n) Any teacher employed as a full-time teacher in a  
3 special education program prior to September 23, 1987 in which  
4 2 or more school districts participate for a probationary  
5 period of 2 consecutive years shall enter upon contractual  
6 continued service in each of the participating districts,  
7 subject to this and the succeeding Sections of this Article,  
8 and, notwithstanding Section 24-1.5 of this Code, in the event  
9 of the termination of the program shall be eligible for any  
10 vacant position in any of such districts for which such  
11 teacher is qualified.

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

13 (105 ILCS 5/24-14) (from Ch. 122, par. 24-14)

14 Sec. 24-14. Termination of contractual continued service  
15 by teacher. A teacher, as defined in Section 24-11 of this  
16 Code, who has entered into contractual continued service may  
17 resign at any time by obtaining concurrence of the board or by  
18 serving at least 30 days' written notice upon the secretary of  
19 the board. However, no teacher may resign during the school  
20 term, without the concurrence of the board, in order to accept  
21 another teaching assignment. Any teacher terminating said  
22 service not in accordance with this Section may be referred by  
23 the board to the State Superintendent of Education. A referral  
24 to the State Superintendent for an alleged violation of this  
25 Section must include (i) a dated copy of the teacher's

1 resignation letter, (ii) a copy of the reporting district's  
2 current school year calendar, (iii) proof of employment for  
3 the school year at issue, (iv) documentation showing that the  
4 district's board did not accept the teacher's resignation, and  
5 (v) evidence that the teacher left the district in order to  
6 accept another teaching assignment. The State Superintendent  
7 or his or her designee shall convene an informal evidentiary  
8 hearing no later than 90 days after receipt of a resolution by  
9 the board. If the State Superintendent or his or her designee  
10 finds that the teacher resigned during the school term without  
11 the concurrence of the board to accept another teaching  
12 assignment, the State Superintendent must suspend the  
13 teacher's license for one calendar year. In lieu of a hearing  
14 and finding, the teacher may agree to a lesser licensure  
15 sanction at the discretion of the State Superintendent.

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

17 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

18 Sec. 34-18.5. Criminal history records checks and checks  
19 of the Statewide Sex Offender Database and Statewide Murderer  
20 and Violent Offender Against Youth Database.

21 (a) Licensed and nonlicensed applicants for employment  
22 with the school district are required as a condition of  
23 employment to authorize a fingerprint-based criminal history  
24 records check to determine if such applicants have been  
25 convicted of any disqualifying, enumerated criminal or drug

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

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

23 (a-5) The school district or regional superintendent shall  
24 further perform a check of the Statewide Sex Offender  
25 Database, as authorized by the Sex Offender Community  
26 Notification Law, for each applicant. The check of the



1 Statewide Sex Offender Database must be conducted by the  
2 school district or regional superintendent once for every 5  
3 years that an applicant remains employed by the school  
4 district.

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

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

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

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

25 (b-5) If a criminal history records check or check of the  
26 Statewide Sex Offender Database or Statewide Murderer and

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

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

25 (d) The board of education shall not knowingly employ a  
26 person for whom a criminal history records check and a

1 Statewide Sex Offender Database check have not been initiated.

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

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

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

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

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

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

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

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



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

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

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

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

7 (h) (Blank).

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

10 Section 90. The State Mandates Act is amended by adding  
11 Section 8.45 as follows:

12 (30 ILCS 805/8.45 new)

13 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and  
14 8 of this Act, no reimbursement by the State is required for  
15 the implementation of any mandate created by this amendatory  
16 Act of the 102nd General Assembly.