



Sen. Donald P. DeWitte

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10200SB2357sam001

LRB102 13565 RPS 25779 a

1 AMENDMENT TO SENATE BILL 2357

2 AMENDMENT NO. _____. Amend Senate Bill 2357 by replacing
3 everything after the enacting clause with the following:

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

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

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

11 (a) Licensed and nonlicensed applicants for employment
12 with a school district, except school bus driver applicants,
13 are required as a condition of employment to authorize a
14 fingerprint-based criminal history records check to determine
15 if such applicants have been convicted of any disqualifying,
16 enumerated criminal or drug offenses in subsection (c) of this

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

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

25 (a-5) The school district or regional superintendent shall
26 further perform a check of the Statewide Sex Offender

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

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

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

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

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

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

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

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

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

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

1 months after the initial grant of or renewal of a license, the
2 State Superintendent of Education may rescind the license
3 holder's license.

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

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

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

1 conviction and identification as a sex offender of any such
2 employee obtained by the regional superintendent shall be
3 promptly reported to the president of the appropriate school
4 board or school boards.

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

9 (g) Prior to the commencement of any student teaching
10 experience or required internship (which is referred to as
11 student teaching in this Section) in the public schools, a
12 student teacher is required to authorize a fingerprint-based
13 criminal history records check. Authorization for and payment
14 of the costs of the check must be furnished by the student
15 teacher to the school district where the student teaching is
16 to be completed. Upon receipt of this authorization and
17 payment, the school district shall submit the student
18 teacher's name, sex, race, date of birth, social security
19 number, fingerprint images, and other identifiers, as
20 prescribed by the Department of State Police, to the
21 Department of State Police. The Department of State Police and
22 the Federal Bureau of Investigation shall furnish, pursuant to
23 a fingerprint-based criminal history records check, records of
24 convictions, forever and hereinafter, until expunged, to the
25 president of the school board for the school district that
26 requested the check. The Department shall charge the school

1 district a fee for conducting the check, which fee must not
2 exceed the cost of the inquiry and must be deposited into the
3 State Police Services Fund. The school district shall further
4 perform a check of the Statewide Sex Offender Database, as
5 authorized by the Sex Offender Community Notification Law, and
6 of the Statewide Murderer and Violent Offender Against Youth
7 Database, as authorized by the Murderer and Violent Offender
8 Against Youth Registration Act, for each student teacher. No
9 school board may knowingly allow a person to student teach for
10 whom a criminal history records check, a Statewide Sex
11 Offender Database check, and a Statewide Murderer and Violent
12 Offender Against Youth Database check have not been completed
13 and reviewed by the district.

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

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

15 (h) (Blank).

16 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
17 101-643, eff. 6-18-20.)

18 (105 ILCS 5/21B-75)

19 Sec. 21B-75. Suspension or revocation of license,
20 endorsement, or approval.

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

25 (b) The State Superintendent of Education has the

1 exclusive authority, in accordance with this Section and any
2 rules adopted by the State Board of Education, in consultation
3 with the State Educator Preparation and Licensure Board, to
4 initiate the suspension of up to 5 calendar years or
5 revocation of any license, endorsement, or approval issued
6 pursuant to this Article for abuse or neglect of a child,
7 immorality, a condition of health detrimental to the welfare
8 of pupils, incompetency, unprofessional conduct (which
9 includes the failure to disclose on an employment application
10 any previous conviction for a sex offense, as defined in
11 Section 21B-80 of this Code, or any other offense committed in
12 any other state or against the laws of the United States that,
13 if committed in this State, would be punishable as a sex
14 offense, as defined in Section 21B-80 of this Code), the
15 neglect of any professional duty, willful or negligent failure
16 to report an instance of suspected child abuse or neglect as
17 required by the Abused and Neglected Child Reporting Act, or
18 other just cause. Negligent failure to report an instance of
19 suspected child abuse or neglect occurs when a teacher
20 personally observes an instance of suspected child abuse or
21 neglect and reasonably believes, in his or her professional or
22 official capacity, that the instance constitutes an act of
23 child abuse or neglect under the Abused and Neglected Child
24 Reporting Act, and he or she, without willful intent, fails to
25 immediately report or cause a report to be made of the
26 suspected abuse or neglect to the Department of Children and

1 Family Services, as required by the Abused and Neglected Child
2 Reporting Act. Unprofessional conduct shall include the
3 refusal to attend or participate in institutes, teachers'
4 meetings, or professional readings or to meet other reasonable
5 requirements of the regional superintendent of schools or
6 State Superintendent of Education. Unprofessional conduct also
7 includes conduct that violates the standards, ethics, or rules
8 applicable to the security, administration, monitoring, or
9 scoring of or the reporting of scores from any assessment test
10 or examination administered under Section 2-3.64a-5 of this
11 Code or that is known or intended to produce or report
12 manipulated or artificial, rather than actual, assessment or
13 achievement results or gains from the administration of those
14 tests or examinations. Unprofessional conduct shall also
15 include neglect or unnecessary delay in the making of
16 statistical and other reports required by school officers.
17 Incompetency shall include, without limitation, 2 or more
18 school terms of service for which the license holder has
19 received an unsatisfactory rating on a performance evaluation
20 conducted pursuant to Article 24A of this Code within a period
21 of 7 school terms of service. In determining whether to
22 initiate action against one or more licenses based on
23 incompetency and the recommended sanction for such action, the
24 State Superintendent shall consider factors that include
25 without limitation all of the following:

- 26 (1) Whether the unsatisfactory evaluation ratings

1 occurred prior to June 13, 2011 (the effective date of
2 Public Act 97-8).

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

7 (3) Whether the evaluator or evaluators who performed
8 an unsatisfactory evaluation met the pre-licensure and
9 training requirements set forth in Section 24A-3 of this
10 Code.

11 (4) The time between the unsatisfactory evaluation
12 ratings.

13 (5) The quality of the remediation plans associated
14 with the unsatisfactory evaluation ratings and whether the
15 license holder successfully completed the remediation
16 plans.

17 (6) Whether the unsatisfactory evaluation ratings were
18 related to the same or different assignments performed by
19 the license holder.

20 (7) Whether one or more of the unsatisfactory
21 evaluation ratings occurred in the first year of a
22 teaching or administrative assignment.

23 When initiating an action against one or more licenses, the
24 State Superintendent may seek required professional
25 development as a sanction in lieu of or in addition to
26 suspension or revocation. Any such required professional

1 development must be at the expense of the license holder, who
2 may use, if available and applicable to the requirements
3 established by administrative or court order, training,
4 coursework, or other professional development funds in
5 accordance with the terms of an applicable collective
6 bargaining agreement entered into after June 13, 2011 (the
7 effective date of Public Act 97-8), unless that agreement
8 specifically precludes use of funds for such purpose.

9 (c) The State Superintendent of Education shall, upon
10 receipt of evidence of abuse or neglect of a child,
11 immorality, a condition of health detrimental to the welfare
12 of pupils, incompetency (subject to subsection (b) of this
13 Section), unprofessional conduct, the neglect of any
14 professional duty, or other just cause, further investigate
15 and, if and as appropriate, serve written notice to the
16 individual and afford the individual opportunity for a hearing
17 prior to suspension, revocation, or other sanction; provided
18 that the State Superintendent is under no obligation to
19 initiate such an investigation if the Department of Children
20 and Family Services is investigating the same or substantially
21 similar allegations and its child protective service unit has
22 not made its determination, as required under Section 7.12 of
23 the Abused and Neglected Child Reporting Act. If the State
24 Superintendent of Education does not receive from an
25 individual a request for a hearing within 10 days after the
26 individual receives notice, the suspension, revocation, or

1 other sanction shall immediately take effect in accordance
2 with the notice. If a hearing is requested within 10 days after
3 notice of an opportunity for hearing, it shall act as a stay of
4 proceedings until the State Educator Preparation and Licensure
5 Board issues a decision. Any hearing shall take place in the
6 educational service region where the educator is or was last
7 employed and in accordance with rules adopted by the State
8 Board of Education, in consultation with the State Educator
9 Preparation and Licensure Board, and such rules shall include
10 without limitation provisions for discovery and the sharing of
11 information between parties prior to the hearing. The standard
12 of proof for any administrative hearing held pursuant to this
13 Section shall be by the preponderance of the evidence. The
14 decision of the State Educator Preparation and Licensure Board
15 is a final administrative decision and is subject to judicial
16 review by appeal of either party.

17 The State Board of Education may refuse to issue or may
18 suspend the license of any person who fails to file a return or
19 to pay the tax, penalty, or interest shown in a filed return or
20 to pay any final assessment of tax, penalty, or interest, as
21 required by any tax Act administered by the Department of
22 Revenue, until such time as the requirements of any such tax
23 Act are satisfied.

24 The exclusive authority of the State Superintendent of
25 Education to initiate suspension or revocation of a license
26 pursuant to this Section does not preclude a regional

1 superintendent of schools from cooperating with the State
2 Superintendent or a State's Attorney with respect to an
3 investigation of alleged misconduct.

4 (d) The State Superintendent of Education or his or her
5 designee may initiate and conduct such investigations as may
6 be reasonably necessary to establish the existence of any
7 alleged misconduct. At any stage of the investigation, the
8 State Superintendent may issue a subpoena requiring the
9 attendance and testimony of a witness, including the license
10 holder, and the production of any evidence, including files,
11 records, correspondence, or documents, relating to any matter
12 in question in the investigation. The subpoena shall require a
13 witness to appear at the State Board of Education at a
14 specified date and time and shall specify any evidence to be
15 produced. The license holder is not entitled to be present,
16 but the State Superintendent shall provide the license holder
17 with a copy of any recorded testimony prior to a hearing under
18 this Section. Such recorded testimony must not be used as
19 evidence at a hearing, unless the license holder has adequate
20 notice of the testimony and the opportunity to cross-examine
21 the witness. Failure of a license holder to comply with a duly
22 issued, investigatory subpoena may be grounds for revocation,
23 suspension, or denial of a license.

24 (e) All correspondence, documentation, and other
25 information so received by the regional superintendent of
26 schools, the State Superintendent of Education, the State

1 Board of Education, or the State Educator Preparation and
2 Licensure Board under this Section is confidential and must
3 not be disclosed to third parties, except (i) as necessary for
4 the State Superintendent of Education or his or her designee
5 to investigate and prosecute pursuant to this Article, (ii)
6 pursuant to a court order, (iii) for disclosure to the license
7 holder or his or her representative, or (iv) as otherwise
8 required in this Article and provided that any such
9 information admitted into evidence in a hearing is exempt from
10 this confidentiality and non-disclosure requirement.

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

22 (g) Any circuit court, upon the application of the State
23 Superintendent of Education or the license holder, may, by
24 order duly entered, require the attendance of witnesses and
25 the production of relevant books and papers as part of any
26 investigation or at any hearing the State Educator Preparation

1 and Licensure Board is authorized to conduct pursuant to this
2 Section, and the court may compel obedience to its orders by
3 proceedings for contempt.

4 (h) The State Board of Education shall receive an annual
5 line item appropriation to cover fees associated with the
6 investigation and prosecution of alleged educator misconduct
7 and hearings related thereto.

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

9 (105 ILCS 5/21B-80)

10 Sec. 21B-80. Conviction of certain offenses as grounds for
11 disqualification for licensure or suspension or revocation of
12 a license.

13 (a) As used in this Section:

14 "Drug offense" means any one or more of the following
15 offenses:

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

25 (2) Any offense defined in the Illinois Controlled

1 Substances Act, except any offense for which the holder of
2 a license is placed on probation under the provisions of
3 Section 410 of the Illinois Controlled Substances Act,
4 provided that if the terms and conditions of probation
5 required by the court are not fulfilled, the offense is
6 not eligible for this exception.

7 (3) Any offense defined in the Methamphetamine Control
8 and Community Protection Act, except any offense for which
9 the holder of a license is placed on probation under the
10 provision of Section 70 of that Act, provided that if the
11 terms and conditions of probation required by the court
12 are not fulfilled, the offense is not eligible for this
13 exception.

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

16 (5) Any offense committed or attempted in any other
17 state or against the laws of the United States that, if
18 committed or attempted in this State, would have been
19 punishable as one or more of the offenses listed in items
20 (1) through (4) of this definition.

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

23 "Sentence" includes any period of supervised release or
24 probation that was imposed either alone or in combination with
25 a period of incarceration.

26 "Sex or other offense" means any one or more of the

1 following offenses:

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

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

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

25 (b) Whenever the holder of any license issued pursuant to
26 this Article or applicant for a license to be issued pursuant

1 to this Article has been convicted of any drug offense, other
2 than as provided in subsection (c) of this Section, the State
3 Superintendent of Education shall forthwith suspend the
4 license or deny the application, whichever is applicable,
5 until 7 years following the end of the sentence for the
6 criminal offense. If the conviction is reversed and the holder
7 is acquitted of the offense in a new trial or the charges
8 against him or her are dismissed, the State Superintendent of
9 Education shall forthwith terminate the suspension of the
10 license.

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

26 (c) Whenever the holder of a license issued pursuant to

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

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

19 (105 ILCS 5/21B-85)

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

21 (a) Whenever the holder of any license issued under this
22 Article is employed by the school board of a school district,
23 including a special charter district or a school district
24 organized under Article 34 of this Code, and is convicted,
25 either after a bench trial, trial by jury, or plea of guilty,

1 of any offense for which a sentence to death or a term of
2 imprisonment in a penitentiary for one year or more is
3 provided, the school board shall promptly notify the State
4 Superintendent of Education, in writing, of the name of the
5 license holder, the fact of the conviction, and the name and
6 location of the court in which the conviction occurred.

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

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

1 (105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

2 Sec. 24-11. Boards of Education - Boards of School
3 Inspectors - Contractual continued service.

4 (a) As used in this and the succeeding Sections of this
5 Article:

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

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

11 "School term" means that portion of the school year, July
12 1 to the following June 30, when school is in actual session.

13 "Program" means a program of a special education joint
14 agreement.

15 "Program of a special education joint agreement" means
16 instructional, consultative, supervisory, administrative,
17 diagnostic, and related services that are managed by a special
18 educational joint agreement designed to service 2 or more
19 school districts that are members of the joint agreement.

20 "PERA implementation date" means the implementation date
21 of an evaluation system for teachers as specified by Section
22 24A-2.5 of this Code for all schools within a school district
23 or all programs of a special education joint agreement.

24 (b) This Section and Sections 24-12 through 24-16 of this
25 Article apply only to school districts having less than
26 500,000 inhabitants.

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

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

22 (1) 4 consecutive school terms of service in which the
23 teacher receives overall annual evaluation ratings of at
24 least "Proficient" in the last school term and at least
25 "Proficient" in either the second or third school term;

26 (2) 3 consecutive school terms of service in which the

1 teacher receives 3 overall annual evaluations of
2 "Excellent"; or

3 (3) 2 consecutive school terms of service in which the
4 teacher receives 2 overall annual evaluations of
5 "Excellent" service, but only if the teacher (i)
6 previously attained contractual continued service in a
7 different school district or program in this State, (ii)
8 voluntarily departed or was honorably dismissed from that
9 school district or program in the school term immediately
10 prior to the teacher's first school term of service
11 applicable to the attainment of contractual continued
12 service under this subdivision (3), and (iii) received, in
13 his or her 2 most recent overall annual or biennial
14 evaluations from the prior school district or program,
15 ratings of at least "Proficient", with both such ratings
16 occurring after the school district's or program's PERA
17 implementation date. For a teacher to attain contractual
18 continued service under this subdivision (3), the teacher
19 shall provide official copies of his or her 2 most recent
20 overall annual or biennial evaluations from the prior
21 school district or program to the new school district or
22 program within 60 days from the teacher's first day of
23 service with the new school district or program. The prior
24 school district or program must provide the teacher with
25 official copies of his or her 2 most recent overall annual
26 or biennial evaluations within 14 days after the teacher's

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

17 If the teacher does not receive overall annual evaluations
18 of "Excellent" in the school terms necessary for eligibility
19 to achieve accelerated contractual continued service in
20 subdivisions (2) and (3) of this subsection (d), the teacher
21 shall be eligible for contractual continued service pursuant
22 to subdivision (1) of this subsection (d). If, at the
23 conclusion of 4 consecutive school terms of service that count
24 toward attainment of contractual continued service, the
25 teacher's performance does not qualify the teacher for
26 contractual continued service under subdivision (1) of this

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

1 rating for teachers not in contractual continued service
2 during any time in which the Governor has declared a disaster
3 due to a public health emergency pursuant to Section 7 of the
4 Illinois Emergency Management Agency Act, as long as the
5 agreement is in writing.

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

22 (f) If the employing board determines to dismiss the
23 teacher in the last year of the probationary period as
24 provided in subsection (c) of this Section or subdivision (1)
25 or (2) of subsection (d) of this Section, but not subdivision
26 (3) of subsection (d) of this Section, the written notice of

1 dismissal provided by the employing board must contain
2 specific reasons for dismissal. Any full-time teacher who does
3 not receive written notice from the employing board at least
4 45 days before the end of any school term as provided in this
5 Section and whose performance does not require dismissal after
6 the fourth probationary year pursuant to subsection (d) of
7 this Section shall be re-employed for the following school
8 term.

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

24 (h) If, by reason of any change in the boundaries of school
25 districts or by reason of the creation of a new school
26 district, the position held by any teacher having a

1 contractual continued service status is transferred from one
2 board to the control of a new or different board, then the
3 contractual continued service status of the teacher is not
4 thereby lost, and such new or different board is subject to
5 this Code with respect to the teacher in the same manner as if
6 the teacher were its employee and had been its employee during
7 the time the teacher was actually employed by the board from
8 whose control the position was transferred.

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

21 (j) For any teacher employed after July 1, 1987 as a
22 full-time teacher in a program of a special education joint
23 agreement, whether the program is operated by the joint
24 agreement or a member district on behalf of the joint
25 agreement, in the event of a reduction in the number of
26 programs or positions in the joint agreement in which the

1 notice of dismissal is provided on or before the end of the
2 2010-2011 school term, the teacher in contractual continued
3 service is eligible for employment in the joint agreement
4 programs for which the teacher is legally qualified in order
5 of greater length of continuing service in the joint
6 agreement, unless an alternative method of determining the
7 sequence of dismissal is established in a collective
8 bargaining agreement. For any teacher employed after July 1,
9 1987 as a full-time teacher in a program of a special education
10 joint agreement, whether the program is operated by the joint
11 agreement or a member district on behalf of the joint
12 agreement, in the event of a reduction in the number of
13 programs or positions in the joint agreement in which the
14 notice of dismissal is provided during the 2011-2012 school
15 term or a subsequent school term, the teacher shall be
16 included on the honorable dismissal lists of all joint
17 agreement programs for positions for which the teacher is
18 qualified and is eligible for employment in such programs in
19 accordance with subsections (b) and (c) of Section 24-12 of
20 this Code and the applicable honorable dismissal policies of
21 the joint agreement.

22 (k) For any teacher employed after July 1, 1987 as a
23 full-time teacher in a program of a special education joint
24 agreement, whether the program is operated by the joint
25 agreement or a member district on behalf of the joint
26 agreement, in the event of the dissolution of a joint

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

21 (1) The governing board of the joint agreement, or the
22 administrative district, if so authorized by the articles of
23 agreement of the joint agreement, rather than the board of
24 education of a school district, may carry out employment and
25 termination actions including dismissals under this Section
26 and Section 24-12.

1 (m) The employment of any teacher in a special education
2 program authorized by Section 14-1.01 through 14-14.01, or a
3 joint educational program established under Section 10-22.31a,
4 shall be under this and the succeeding Sections of this
5 Article, and such employment shall be deemed a continuation of
6 the previous employment of such teacher in any of the
7 participating districts, regardless of the participation of
8 other districts in the program.

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

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

20 (105 ILCS 5/24-14) (from Ch. 122, par. 24-14)

21 Sec. 24-14. Termination of contractual continued service
22 by teacher. A teacher, as defined in Section 24-11 of this
23 Code, who has entered into contractual continued service may
24 resign at any time by obtaining concurrence of the board or by
25 serving at least 30 days' written notice upon the secretary of

1 the board. However, no teacher may resign during the school
2 term, without the concurrence of the board, in order to accept
3 another teaching assignment. Any teacher terminating said
4 service not in accordance with this Section may be referred by
5 the board to the State Superintendent of Education. A referral
6 to the State Superintendent for an alleged violation of this
7 Section must include (i) a dated copy of the teacher's
8 resignation letter, (ii) a copy of the reporting district's
9 current school year calendar, (iii) proof of employment for
10 the school year at issue, (iv) documentation showing that the
11 district's board did not accept the teacher's resignation, and
12 (v) evidence that the teacher left the district in order to
13 accept another teaching assignment. The State Superintendent
14 or his or her designee shall convene an informal evidentiary
15 hearing no later than 90 days after receipt of a resolution by
16 the board. If the State Superintendent or his or her designee
17 finds that the teacher resigned during the school term without
18 the concurrence of the board to accept another teaching
19 assignment, the State Superintendent must suspend the
20 teacher's license for one calendar year. In lieu of a hearing
21 and finding, the teacher may agree to a lesser licensure
22 sanction at the discretion of the State Superintendent.

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

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

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

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

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

1 substitute or concurrent part-time teacher or concurrent
2 educational support personnel employee. Upon receipt of this
3 authorization, the school district or the appropriate regional
4 superintendent, as the case may be, shall submit the
5 applicant's name, sex, race, date of birth, social security
6 number, fingerprint images, and other identifiers, as
7 prescribed by the 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. Subject to
26 appropriations for these purposes, the State Superintendent of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (g) Prior to the commencement of any student teaching
12 experience or required internship (which is referred to as
13 student teaching in this Section) in the public schools, a
14 student teacher is required to authorize a fingerprint-based
15 criminal history records check. Authorization for and payment
16 of the costs of the check must be furnished by the student
17 teacher to the school district. Upon receipt of this
18 authorization and payment, the school district shall submit
19 the student teacher's name, sex, race, date of birth, social
20 security number, fingerprint images, and other identifiers, as
21 prescribed by the Department of State Police, to the
22 Department of State Police. The Department of State Police and
23 the Federal Bureau of Investigation shall furnish, pursuant to
24 a fingerprint-based criminal history records check, records of
25 convictions, forever and hereinafter, until expunged, to the
26 president of the board. The Department shall charge the school

1 district a fee for conducting the check, which fee must not
2 exceed the cost of the inquiry and must be deposited into the
3 State Police Services Fund. The school district shall further
4 perform a check of the Statewide Sex Offender Database, as
5 authorized by the Sex Offender Community Notification Law, and
6 of the Statewide Murderer and Violent Offender Against Youth
7 Database, as authorized by the Murderer and Violent Offender
8 Against Youth Registration Act, for each student teacher. The
9 board may not knowingly allow a person to student teach for
10 whom a criminal history records check, a Statewide Sex
11 Offender Database check, and a Statewide Murderer and Violent
12 Offender Against Youth Database check have not been completed
13 and reviewed by the district.

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

26 The board may not knowingly allow a person to student

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

14 (h) (Blank).

15 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
16 101-643, eff. 6-18-20.)

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.45 as follows:

19 (30 ILCS 805/8.45 new)

20 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
21 8 of this Act, no reimbursement by the State is required for
22 the implementation of any mandate created by this amendatory
23 Act of the 102nd General Assembly."