

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
5 Sections 10-21.9 and 34-18.5 as follows:

6 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

7 Sec. 10-21.9. Criminal background investigations.

8 (a) After August 1, 1985, certified and noncertified
9 applicants for employment with a school district, except
10 school bus driver applicants, are required as a condition of
11 employment to authorize an investigation to determine if such
12 applicants have been convicted of any of the enumerated
13 criminal or drug offenses in subsection (c) of this Section
14 or have been convicted, within 7 years of the application for
15 employment with the school district, of any other felony
16 under the laws of this State or of any offense committed or
17 attempted in any other state or against the laws of the
18 United States that, if committed or attempted in this State,
19 would have been punishable as a felony under the laws of this
20 State. Authorization for the investigation shall be furnished
21 by the applicant to the school district, except that if the
22 applicant is a substitute teacher seeking employment in more
23 than one school district, a teacher seeking concurrent
24 part-time employment positions with more than one school
25 district (as a reading specialist, special education teacher
26 or otherwise), or an educational support personnel employee
27 seeking employment positions with more than one district, any
28 such district may require the applicant to furnish
29 authorization for the investigation to the regional
30 superintendent of the educational service region in which are
31 located the school districts in which the applicant is

1 seeking employment as a substitute or concurrent part-time
2 teacher or concurrent educational support personnel employee.
3 Upon receipt of this authorization, the school district or
4 the appropriate regional superintendent, as the case may be,
5 shall submit the applicant's name, sex, race, date of birth
6 and social security number to the Department of State Police
7 on forms prescribed by the Department. The regional
8 superintendent submitting the requisite information to the
9 Department of State Police shall promptly notify the school
10 districts in which the applicant is seeking employment as a
11 substitute or concurrent part-time teacher or concurrent
12 educational support personnel employee that the investigation
13 of the applicant has been requested. The Department of State
14 Police shall conduct an investigation to ascertain if the
15 applicant being considered for employment has been convicted
16 of any of the enumerated criminal or drug offenses in
17 subsection (c) or has 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
23 of this State. The Department shall charge the school
24 district or the appropriate regional superintendent a fee for
25 conducting such investigation, which fee shall be deposited
26 in the State Police Services Fund and shall not exceed the
27 cost of the inquiry; and the applicant shall not be charged a
28 fee for such investigation by the school district or by the
29 regional superintendent. The regional superintendent may
30 seek reimbursement from the State Board of Education or the
31 appropriate school district or districts for fees paid by the
32 regional superintendent to the Department for the criminal
33 background investigations required by this Section.

34 (b) The Department shall furnish, pursuant to positive

1 identification, records of convictions, until expunged, to
2 the president of the school board for the school district
3 which requested the investigation, or to the regional
4 superintendent who requested the investigation. Any
5 information concerning the record of convictions obtained by
6 the president of the school board or the regional
7 superintendent shall be confidential and may only be
8 transmitted to the superintendent of the school district or
9 his designee, the appropriate regional superintendent if the
10 investigation was requested by the school district, the
11 presidents of the appropriate school boards if the
12 investigation was requested from the Department of State
13 Police by the regional superintendent, the State
14 Superintendent of Education, the State Teacher Certification
15 Board or any other person necessary to the decision of hiring
16 the applicant for employment. A copy of the record of
17 convictions obtained from the Department of State Police
18 shall be provided to the applicant for employment. If an
19 investigation of an applicant for employment as a substitute
20 or concurrent part-time teacher or concurrent educational
21 support personnel employee in more than one school district
22 was requested by the regional superintendent, and the
23 Department of State Police upon investigation ascertains that
24 the applicant has not been convicted of any of the enumerated
25 criminal or drug offenses in subsection (c) or has not been
26 convicted, within 7 years of the application for employment
27 with the school district, of any other felony under the laws
28 of this State or of any offense committed or attempted in any
29 other state or against the laws of the United States that, if
30 committed or attempted in this State, would have been
31 punishable as a felony under the laws of this State and so
32 notifies the regional superintendent, then the regional
33 superintendent shall issue to the applicant a certificate
34 evidencing that as of the date specified by the Department of

1 State Police the applicant has not been convicted of any of
2 the enumerated criminal or drug offenses in subsection (c) or
3 has not been convicted, within 7 years of the application for
4 employment with the school district, of any other felony
5 under the laws of this State or of any offense committed or
6 attempted in any other state or against the laws of the
7 United States that, if committed or attempted in this State,
8 would have been punishable as a felony under the laws of this
9 State. The school board of any school district located in
10 the educational service region served by the regional
11 superintendent who issues such a certificate to an applicant
12 for employment as a substitute teacher in more than one such
13 district may rely on the certificate issued by the regional
14 superintendent to that applicant, or may initiate its own
15 investigation of the applicant through the Department of
16 State Police as provided in subsection (a). Any person who
17 releases any confidential information concerning any criminal
18 convictions of an applicant for employment shall be guilty of
19 a Class A misdemeanor, unless the release of such information
20 is authorized by this Section.

21 (c) No school board shall knowingly employ a person who
22 has been convicted for committing attempted first degree
23 murder or for committing or attempting to commit first degree
24 murder or a Class X felony or any one or more of the
25 following offenses: (i) those defined in Sections 11-6, 11-9,
26 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
27 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
28 and 12-16 of the "Criminal Code of 1961"; (ii) those defined
29 in the "Cannabis Control Act" except those defined in
30 Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined
31 in the "Illinois Controlled Substances Act"; and (iv) any
32 offense committed or attempted in any other state or against
33 the laws of the United States, which if committed or
34 attempted in this State, would have been punishable as one or

1 more of the foregoing offenses. Further, no school board
2 shall knowingly employ a person who has been found to be the
3 perpetrator of sexual or physical abuse of any minor under 18
4 years of age pursuant to proceedings under Article II of the
5 Juvenile Court Act of 1987.

6 (d) No school board shall knowingly employ a person for
7 whom a criminal background investigation has not been
8 completed initiated.

9 (e) Upon receipt of the record of a conviction of or a
10 finding of child abuse by a holder of any certificate issued
11 pursuant to Article 21 or Section 34-8.1 or 34-83 of the
12 School Code, the appropriate regional superintendent of
13 schools or the State Superintendent of Education shall
14 initiate the certificate suspension and revocation
15 proceedings authorized by law.

16 (f) After January 1, 1990 the provisions of this Section
17 shall apply to all employees of persons or firms holding
18 contracts with any school district including, but not limited
19 to, food service workers, school bus drivers and other
20 transportation employees, who have direct, daily contact with
21 the pupils of any school in such district. For purposes of
22 criminal background investigations on employees of persons or
23 firms holding contracts with more than one school district
24 and assigned to more than one school district, the regional
25 superintendent of the educational service region in which the
26 contracting school districts are located may, at the request
27 of any such school district, be responsible for receiving the
28 authorization for investigation prepared by each such
29 employee and submitting the same to the Department of State
30 Police. Any information concerning the record of conviction
31 of any such employee obtained by the regional superintendent
32 shall be promptly reported to the president of the
33 appropriate school board or school boards.

34 (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

1 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

2 Sec. 34-18.5. Criminal background investigations.

3 (a) After August 1, 1985, certified and noncertified
4 applicants for employment with the school district are
5 required as a condition of employment to authorize an
6 investigation to determine if such applicants have been
7 convicted of any of the enumerated criminal or drug offenses
8 in subsection (c) of this Section or have been convicted,
9 within 7 years of the application for employment with the
10 school district, of any other felony under the laws of this
11 State or of any offense committed or attempted in any other
12 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 investigation shall be furnished by the
16 applicant to the school district, except that if the
17 applicant is a substitute teacher seeking employment in more
18 than one school district, or a teacher seeking concurrent
19 part-time employment positions with more than one school
20 district (as a reading specialist, special education teacher
21 or otherwise), or an educational support personnel employee
22 seeking employment positions with more than one district, any
23 such district may require the applicant to furnish
24 authorization for the investigation to the regional
25 superintendent of the educational service region in which are
26 located the school districts in which the applicant is
27 seeking employment as a substitute or concurrent part-time
28 teacher or concurrent educational support personnel employee.
29 Upon receipt of this authorization, the school district or
30 the appropriate regional superintendent, as the case may be,
31 shall submit the applicant's name, sex, race, date of birth
32 and social security number to the Department of State Police
33 on forms prescribed by the Department. The regional
34 superintendent submitting the requisite information to the

1 Department of State Police shall promptly notify the school
2 districts in which the applicant is seeking employment as a
3 substitute or concurrent part-time teacher or concurrent
4 educational support personnel employee that the investigation
5 of the applicant has been requested. The Department of State
6 Police shall conduct an investigation to ascertain if the
7 applicant being considered for employment has been convicted
8 of any of the enumerated criminal or drug offenses in
9 subsection (c) or has been convicted, within 7 years of the
10 application for employment with the school district, of any
11 other felony under the laws of this State or of any offense
12 committed or attempted in any other state or against the laws
13 of the United States that, if committed or attempted in this
14 State, would have been punishable as a felony under the laws
15 of this State. The Department shall charge the school
16 district or the appropriate regional superintendent a fee for
17 conducting such investigation, which fee shall be deposited
18 in the State Police Services Fund and shall not exceed the
19 cost of the inquiry; and the applicant shall not be charged a
20 fee for such investigation by the school district or by the
21 regional superintendent. The regional superintendent may
22 seek reimbursement from the State Board of Education or the
23 appropriate school district or districts for fees paid by the
24 regional superintendent to the Department for the criminal
25 background investigations required by this Section.

26 (b) The Department shall furnish, pursuant to positive
27 identification, records of convictions, until expunged, to
28 the president of the board of education for the school
29 district which requested the investigation, or to the
30 regional superintendent who requested the investigation. Any
31 information concerning the record of convictions obtained by
32 the president of the board of education or the regional
33 superintendent shall be confidential and may only be
34 transmitted to the general superintendent of the school

1 district or his designee, the appropriate regional
2 superintendent if the investigation was requested by the
3 board of education for the school district, the presidents of
4 the appropriate board of education or school boards if the
5 investigation was requested from the Department of State
6 Police by the regional superintendent, the State
7 Superintendent of Education, the State Teacher Certification
8 Board or any other person necessary to the decision of hiring
9 the applicant for employment. A copy of the record of
10 convictions obtained from the Department of State Police
11 shall be provided to the applicant for employment. If an
12 investigation of an applicant for employment as a substitute
13 or concurrent part-time teacher or concurrent educational
14 support personnel employee in more than one school district
15 was requested by the regional superintendent, and the
16 Department of State Police upon investigation ascertains that
17 the applicant has not been convicted of any of the enumerated
18 criminal or drug offenses in subsection (c) or has not been
19 convicted, within 7 years of the application for employment
20 with the school district, of any other felony under the laws
21 of this State or of any offense committed or attempted in any
22 other state or against the laws of the United States that, if
23 committed or attempted in this State, would have been
24 punishable as a felony under the laws of this State and so
25 notifies the regional superintendent, then the regional
26 superintendent shall issue to the applicant a certificate
27 evidencing that as of the date specified by the Department of
28 State Police the applicant has not been convicted of any of
29 the enumerated criminal or drug offenses in subsection (c) or
30 has not been convicted, within 7 years of the application for
31 employment with the school district, of any other felony
32 under the laws of this State or of any offense committed or
33 attempted in any other state or against the laws of the
34 United States that, if committed or attempted in this State,

1 would have been punishable as a felony under the laws of this
2 State. The school board of any school district located in
3 the educational service region served by the regional
4 superintendent who issues such a certificate to an applicant
5 for employment as a substitute or concurrent part-time
6 teacher or concurrent educational support personnel employee
7 in more than one such district may rely on the certificate
8 issued by the regional superintendent to that applicant, or
9 may initiate its own investigation of the applicant through
10 the Department of State Police as provided in subsection (a).
11 Any person who releases any confidential information
12 concerning any criminal convictions of an applicant for
13 employment shall be guilty of a Class A misdemeanor, unless
14 the release of such information is authorized by this
15 Section.

16 (c) The board of education shall not knowingly employ a
17 person who has been convicted for committing attempted first
18 degree murder or for committing or attempting to commit first
19 degree murder or a Class X felony or any one or more of the
20 following offenses: (i) those defined in Sections 11-6,
21 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
22 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
23 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii)
24 those defined in the Cannabis Control Act, except those
25 defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii)
26 those defined in the Illinois Controlled Substances Act; and
27 (iv) any offense committed or attempted in any other state or
28 against the laws of the United States, which if committed or
29 attempted in this State, would have been punishable as one or
30 more of the foregoing offenses. Further, the board of
31 education shall not knowingly employ a person who has been
32 found to be the perpetrator of sexual or physical abuse of
33 any minor under 18 years of age pursuant to proceedings under
34 Article II of the Juvenile Court Act of 1987.

1 (d) The board of education shall not knowingly employ a
2 person for whom a criminal background investigation has not
3 been completed initiated.

4 (e) Upon receipt of the record of a conviction of or a
5 finding of child abuse by a holder of any certificate issued
6 pursuant to Article 21 or Section 34-8.1 or 34-83 of the
7 School Code, the board of education or the State
8 Superintendent of Education shall initiate the certificate
9 suspension and revocation proceedings authorized by law.

10 (f) After March 19, 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 background investigations on employees of persons or
17 firms holding contracts with more than one school district
18 and assigned to more than one school district, the regional
19 superintendent of the educational service region in which the
20 contracting school districts are located may, at the request
21 of any such school district, be responsible for receiving the
22 authorization for investigation prepared by each such
23 employee and submitting the same to the Department of State
24 Police. Any information concerning the record of conviction
25 of any such employee obtained by the regional superintendent
26 shall be promptly reported to the president of the
27 appropriate school board or school boards.

28 (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)