

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 Section  
5 10-21.9 as follows:

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

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

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

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

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

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

17 (a-6) The school district or regional superintendent shall  
18 further perform a check of the Statewide Child Murderer and  
19 Violent Offender Against Youth Database, as authorized by the  
20 Child Murderer and Violent Offender Against Youth Community  
21 Notification Law, for each applicant.

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

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

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

1 Class A misdemeanor, unless the release of such information is  
2 authorized by this Section.

3 (c) No school board shall knowingly employ a person who has  
4 been convicted of any offense that would subject him or her to  
5 certification suspension or revocation pursuant to Section  
6 21-23a of this Code. Further, no school board shall knowingly  
7 employ a person who has been found to be the perpetrator of  
8 sexual or physical abuse of any minor under 18 years of age  
9 pursuant to proceedings under Article II of the Juvenile Court  
10 Act of 1987.

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

14 (e) Upon receipt of the record of a conviction of or a  
15 finding of child abuse by a holder of any certificate issued  
16 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
17 Code, the State Superintendent of Education may initiate  
18 certificate suspension and revocation proceedings as  
19 authorized by law.

20 (e-5) The superintendent of the employing school board  
21 shall, in writing, notify the State Superintendent of Education  
22 and the applicable regional superintendent of schools of any  
23 certificate holder whom he or she has reasonable cause to  
24 believe has committed an intentional act of abuse or neglect  
25 with the result of making a child an abused child or a  
26 neglected child, as defined in Section 3 of the Abused and

1 Neglected Child Reporting Act, and that act resulted in the  
2 certificate holder's dismissal or resignation from the school  
3 district. This notification must be submitted within 30 days  
4 after the dismissal or resignation. The certificate holder must  
5 also be contemporaneously sent a copy of the notice by the  
6 superintendent. All correspondence, documentation, and other  
7 information so received by the regional superintendent of  
8 schools, the State Superintendent of Education, the State Board  
9 of Education, or the State Teacher Certification Board under  
10 this subsection (e-5) is confidential and must not be disclosed  
11 to third parties, except (i) as necessary for the State  
12 Superintendent of Education or his or her designee to  
13 investigate and prosecute pursuant to Article 21 of this Code,  
14 (ii) pursuant to a court order, (iii) for disclosure to the  
15 certificate holder or his or her representative, or (iv) as  
16 otherwise provided in this Article and provided that any such  
17 information admitted into evidence in a hearing is exempt from  
18 this confidentiality and non-disclosure requirement. Except  
19 for an act of willful or wanton misconduct, any superintendent  
20 who provides notification as required in this subsection (e-5)  
21 shall have immunity from any liability, whether civil or  
22 criminal or that otherwise might result by reason of such  
23 action.

24 (f) After January 1, 1990 the provisions of this Section  
25 shall apply to all employees of persons or firms holding  
26 contracts with any school district including, but not limited

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

19 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.