

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 10-21.9 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 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 (g) In order to student teach in the public schools, a
20 person is required to authorize a fingerprint-based criminal
21 history records check and checks of the Statewide Sex Offender
22 Database and Statewide Child Murderer and Violent Offender
23 Against Youth Database prior to participating in any field
24 experiences in the public schools. Authorization for and
25 payment of the costs of the checks must be furnished by the
26 student teacher. Results of the checks must be furnished to the

1 higher education institution where the student teacher is
2 enrolled and the superintendent of the school district where
3 the student is assigned.

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

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

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

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

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

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

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

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

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

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

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

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

1 person who has been convicted of any offense that would subject
2 him or her to certification suspension or revocation pursuant
3 to Section 21-23a of this Code. Further, the board of education
4 shall not knowingly employ a person who has been found to be
5 the perpetrator of sexual or physical abuse of any minor under
6 18 years of age pursuant to proceedings under Article II of the
7 Juvenile Court Act of 1987.

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

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

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

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

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

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

14 (g) In order to student teach in the public schools, a
15 person is required to authorize a fingerprint-based criminal
16 history records check and checks of the Statewide Sex Offender
17 Database and Statewide Child Murderer and Violent Offender
18 Against Youth Database prior to participating in any field
19 experiences in the public schools. Authorization for and
20 payment of the costs of the checks must be furnished by the
21 student teacher. Results of the checks must be furnished to the
22 higher education institution where the student teacher is
23 enrolled and the general superintendent of schools.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.