



Rep. Fred Crespo

Filed: 3/28/2011

09700HB3027ham001

LRB097 10156 NHT 52938 a

1 AMENDMENT TO HOUSE BILL 3027

2 AMENDMENT NO. _____. Amend House Bill 3027 on page 1, by
3 replacing line 5 with the following:

4 "10-21.9, 10-22.31a, 18-12, 26-2a, and 34-18.5 as follows:";
5 and

6 on page 1, immediately below line 5, by inserting the
7 following:

8 "(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

12 (a) Certified and noncertified applicants for employment
13 with a school district, except school bus driver applicants,
14 are required as a condition of employment to authorize a
15 fingerprint-based criminal history records check to determine
16 if such applicants have been convicted of any of the enumerated

1 criminal or drug offenses in subsection (c) of this Section or
2 have been convicted, within 7 years of the application for
3 employment with the school district, of any other felony under
4 the laws of this State or of any offense committed or attempted
5 in any other state or against the laws of the United States
6 that, if committed or attempted in this State, would have been
7 punishable as a felony under the laws of this State.
8 Authorization for the check shall be furnished by the applicant
9 to the school district, except that if the applicant is a
10 substitute teacher seeking employment in more than one school
11 district, a teacher seeking concurrent part-time employment
12 positions with more than one school district (as a reading
13 specialist, special education teacher or otherwise), or an
14 educational support personnel employee seeking employment
15 positions with more than one district, any such district may
16 require the applicant to furnish authorization for the check to
17 the regional superintendent of the educational service region
18 in which are located the school districts in which the
19 applicant is seeking employment as a substitute or concurrent
20 part-time teacher or concurrent educational support personnel
21 employee. Upon receipt of this authorization, the school
22 district or the appropriate regional superintendent, as the
23 case may be, shall submit the applicant's name, sex, race, date
24 of birth, social security number, fingerprint images, and other
25 identifiers, as prescribed by the Department of State Police,
26 to the 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, until
9 expunged, to the president of the school board for the school
10 district that requested the check, or to the regional
11 superintendent who requested the check. The Department shall
12 charge the school district or the appropriate regional
13 superintendent a fee for conducting such check, which fee shall
14 be deposited in the State Police Services Fund and shall not
15 exceed the cost of the inquiry; and the applicant shall not be
16 charged a fee for such check by the school district or by the
17 regional superintendent, except that those applicants seeking
18 employment as a substitute teacher with a school district may
19 be charged a fee not to exceed the cost of the inquiry. Subject
20 to appropriations for these purposes, the State Superintendent
21 of Education shall reimburse school districts and regional
22 superintendents for fees paid to obtain criminal history
23 records checks under this Section.

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

1 for each applicant.

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

7 (b) Any information concerning the record of convictions
8 obtained by the president of the school board or the regional
9 superintendent shall be confidential and may only be
10 transmitted to the superintendent of the school district or his
11 designee, the appropriate regional superintendent if the check
12 was requested by the school district, the presidents of the
13 appropriate school boards if the check was requested from the
14 Department of State Police by the regional superintendent, the
15 State Superintendent of Education, the State Teacher
16 Certification Board, any other person necessary to the decision
17 of hiring the applicant for employment, or for clarification
18 purposes the Department of State Police or Statewide Sex
19 Offender Database, or both. A copy of the record of convictions
20 obtained from the Department of State Police shall be provided
21 to the applicant for employment. Upon the check of the
22 Statewide Sex Offender Database, the school district or
23 regional superintendent shall notify an applicant as to whether
24 or not the applicant has been identified in the Database as a
25 sex offender. If a check of an applicant for employment as a
26 substitute or concurrent part-time teacher or concurrent

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

1 Statewide Sex Offender Database, the applicant has not been
2 identified in the Database as a sex offender. The school board
3 of any school district may rely on the certificate issued by
4 any regional superintendent to that substitute teacher,
5 concurrent part-time teacher, or concurrent educational
6 support personnel employee or may initiate its own criminal
7 history records check of the applicant through the Department
8 of State Police and its own check of the Statewide Sex Offender
9 Database as provided in subsection (a). Any person who releases
10 any confidential information concerning any criminal
11 convictions of an applicant for employment shall be guilty of a
12 Class A misdemeanor, unless the release of such information is
13 authorized by this Section.

14 (c) No school board shall knowingly employ a person who has
15 been convicted of any offense that would subject him or her to
16 certification suspension or revocation pursuant to Section
17 21-23a of this Code. 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.

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

25 (e) Upon receipt of the record of a conviction of or a
26 finding of child abuse by a holder of any certificate issued

1 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
2 Code, the State Superintendent of Education may initiate
3 certificate suspension and revocation proceedings as
4 authorized by law.

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

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

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

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

5 (g) Beginning on January 1, 2012, the provisions of this
6 Section shall apply to all student teachers, as defined by
7 State Board of Education rule, assigned to public schools or
8 nonpublic schools recognized by the State Board pursuant to
9 Section 2-3.25o of this Code. Student teachers must undergo a
10 Department of State Police and Federal Bureau of Investigation
11 fingerprint-based criminal history records check.
12 Authorization to conduct the criminal history records check
13 must be furnished by the student teacher to the school to which
14 the student teacher is assigned. The Department of State Police
15 and the Federal Bureau of Investigation shall furnish, pursuant
16 to a fingerprint-based criminal history records check, records
17 of convictions, until expunged, to the president of the school
18 board for the school district that requested the check or the
19 chief administrative officer of the nonpublic school that
20 requested the check. The Department of State Police shall
21 charge a fee for conducting the check, which fee must be
22 deposited into the State Police Services Fund and must not
23 exceed the cost of the inquiry. The student teacher shall be
24 required to pay all fees associated with conducting the
25 criminal history records check, as well as any other
26 application fees as established by rule including, but not

1 limited to, the fee established by the Department of State
2 Police and the Federal Bureau of Investigation to process
3 fingerprint-based criminal history records checks. Results of
4 the check must also be furnished by the school district or
5 nonpublic school to the higher education institution where the
6 student teacher is enrolled. No one may begin student teaching
7 until the results of the criminal history records check have
8 been returned to the school district or nonpublic school. In
9 ~~order to student teach in the public schools, a person is~~
10 ~~required to authorize a fingerprint-based criminal history~~
11 ~~records check and checks of the Statewide Sex Offender Database~~
12 ~~and Statewide Child Murderer and Violent Offender Against Youth~~
13 ~~Database prior to participating in any field experiences in the~~
14 ~~public schools. Authorization for and payment of the costs of~~
15 ~~the checks must be furnished by the student teacher. Results of~~
16 ~~the checks must be furnished to the higher education~~
17 ~~institution where the student teacher is enrolled and the~~
18 ~~superintendent of the school district where the student is~~
19 ~~assigned.~~

20 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;
21 96-1452, eff. 8-20-10; 96-1489, eff. 1-1-11; revised
22 1-4-11.)"; and

23 on page 7, immediately below line 8, by inserting the
24 following:

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

2 Sec. 34-18.5. Criminal history records checks and checks of
3 the Statewide Sex Offender Database and Statewide Child
4 Murderer and Violent Offender Against Youth Database.

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

1 located the school districts in which the applicant is seeking
2 employment as a substitute or concurrent part-time teacher or
3 concurrent educational support personnel employee. Upon
4 receipt of this authorization, the school district or the
5 appropriate regional superintendent, as the case may be, shall
6 submit the applicant's name, sex, race, date of birth, social
7 security number, fingerprint images, and other identifiers, as
8 prescribed by the Department of State Police, to the
9 Department. The regional superintendent submitting the
10 requisite information to the Department of State Police shall
11 promptly notify the school districts in which the applicant is
12 seeking employment as a substitute or concurrent part-time
13 teacher or concurrent educational support personnel employee
14 that the check of the applicant has been requested. The
15 Department of State Police and the Federal Bureau of
16 Investigation shall furnish, pursuant to a fingerprint-based
17 criminal history records check, records of convictions, until
18 expunged, to the president of the school board for the school
19 district that requested the check, or to the regional
20 superintendent who requested the check. The Department shall
21 charge the school district or the appropriate regional
22 superintendent a fee for conducting such check, which fee shall
23 be deposited in the State Police Services Fund and shall not
24 exceed the cost of the inquiry; and the applicant shall not be
25 charged a fee for such check by the school district or by the
26 regional superintendent. Subject to appropriations for these

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

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

9 (a-6) The school district or regional superintendent shall
10 further perform a check of the Statewide Child Murderer and
11 Violent Offender Against Youth Database, as authorized by the
12 Child Murderer and Violent Offender Against Youth Community
13 Notification Law, for each applicant.

14 (b) Any information concerning the record of convictions
15 obtained by the president of the board of education or the
16 regional superintendent shall be confidential and may only be
17 transmitted to the general superintendent of the school
18 district or his designee, the appropriate regional
19 superintendent if the check was requested by the board of
20 education for the school district, the presidents of the
21 appropriate board of education or school boards if the check
22 was requested from the Department of State Police by the
23 regional superintendent, the State Superintendent of
24 Education, the State Teacher Certification Board or any other
25 person necessary to the decision of hiring the applicant for
26 employment. A copy of the record of convictions obtained from

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

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

21 (c) The board of education shall not knowingly employ a
22 person who has been convicted of any offense that would subject
23 him or her to certification suspension or revocation pursuant
24 to Section 21-23a of this Code. Further, the board of education
25 shall not knowingly employ a person who has been found to be
26 the perpetrator of sexual or physical abuse of any minor under

1 18 years of age pursuant to proceedings under Article II of the
2 Juvenile Court Act of 1987.

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

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

12 (e-5) The general superintendent of schools shall, in
13 writing, notify the State Superintendent of Education of any
14 certificate holder whom he or she has reasonable cause to
15 believe has committed an intentional act of abuse or neglect
16 with the result of making a child an abused child or a
17 neglected child, as defined in Section 3 of the Abused and
18 Neglected Child Reporting Act, and that act resulted in the
19 certificate holder's dismissal or resignation from the school
20 district. This notification must be submitted within 30 days
21 after the dismissal or resignation. The certificate holder must
22 also be contemporaneously sent a copy of the notice by the
23 superintendent. All correspondence, documentation, and other
24 information so received by the State Superintendent of
25 Education, the State Board of Education, or the State Teacher
26 Certification Board under this subsection (e-5) is

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

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

1 criminal history records check prepared by each such employee
2 and submitting the same to the Department of State Police and
3 for conducting a check of the Statewide Sex Offender Database
4 and the Statewide Child Murderer and Violent Offender Against
5 Youth Database for each employee. Any information concerning
6 the record of conviction and identification as a sex offender
7 of any such employee obtained by the regional superintendent
8 shall be promptly reported to the president of the appropriate
9 school board or school boards.

10 (g) Beginning on January 1, 2012, the provisions of this
11 Section shall apply to all student teachers, as defined by
12 State Board of Education rule, assigned to public schools.
13 Student teachers must undergo a Department of State Police and
14 Federal Bureau of Investigation fingerprint-based criminal
15 history records check. Authorization to conduct the criminal
16 history records check must be furnished by the student teacher
17 to the school to which the student teacher is assigned. The
18 Department of State Police and the Federal Bureau of
19 Investigation shall furnish, pursuant to a fingerprint-based
20 criminal history records check, records of convictions, until
21 expunged, to the president of the Chicago Board of Education.
22 The Department of State Police shall charge a fee for
23 conducting the check, which fee must be deposited into the
24 State Police Services Fund and must not exceed the cost of the
25 inquiry. The student teacher shall be required to pay all fees
26 associated with conducting the criminal history records check,

1 as well as any other application fees as established by rule
2 including, but not limited to, the fee established by the
3 Department of State Police and the Federal Bureau of
4 Investigation to process fingerprint-based criminal history
5 records checks. Results of the check must also be furnished by
6 the school district to the higher education institution where
7 the student teacher is enrolled. No one may begin student
8 teaching until the results of the criminal history records
9 check have been returned to the school district. ~~In order to~~
10 ~~student teach in the public schools, a person is required to~~
11 ~~authorize a fingerprint based criminal history records check~~
12 ~~and checks of the Statewide Sex Offender Database and Statewide~~
13 ~~Child Murderer and Violent Offender Against Youth Database~~
14 ~~prior to participating in any field experiences in the public~~
15 ~~schools. Authorization for and payment of the costs of the~~
16 ~~checks must be furnished by the student teacher. Results of the~~
17 ~~checks must be furnished to the higher education institution~~
18 ~~where the student teacher is enrolled and the general~~
19 ~~superintendent of schools.~~

20 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;
21 96-1452, eff. 8-20-10.)".