

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, 10-22.31a, 18-12, 26-2a, 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, except that those applicants seeking
9 employment as a substitute teacher with a school district may
10 be charged a fee not to exceed the cost of the inquiry. Subject
11 to appropriations for these purposes, the State Superintendent
12 of Education shall reimburse school districts and regional
13 superintendents for fees paid to obtain criminal history
14 records checks under this Section.

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

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

24 (b) Any information concerning the record of convictions
25 obtained by the president of the school board or the regional
26 superintendent shall be confidential and may only be

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

1 committed or attempted in this State, would have been
2 punishable as a felony under the laws of this State and so
3 notifies the regional superintendent and if the regional
4 superintendent upon a check ascertains that the applicant has
5 not been identified in the Sex Offender Database as a sex
6 offender, 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) or has not 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 and evidencing that as of the date
17 that the regional superintendent conducted a check of the
18 Statewide Sex Offender Database, the applicant has not been
19 identified in the Database as a sex offender. The school board
20 of any school district may rely on the certificate issued by
21 any regional superintendent to that substitute teacher,
22 concurrent part-time teacher, or concurrent educational
23 support personnel employee or may initiate its own criminal
24 history records check of the applicant through the Department
25 of State Police and its own check of the Statewide Sex Offender
26 Database as provided in subsection (a). Any person who releases

1 any confidential information concerning any criminal
2 convictions of an applicant for employment shall be guilty of a
3 Class A misdemeanor, unless the release of such information is
4 authorized by this Section.

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

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

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

22 (e-5) The superintendent of the employing school board
23 shall, in writing, notify the State Superintendent of Education
24 and the applicable regional superintendent of schools of any
25 certificate holder whom he or she has reasonable cause to
26 believe has committed an intentional act of abuse or neglect

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

26 (f) After January 1, 1990 the provisions of this Section

1 shall apply to all employees of persons or firms holding
2 contracts with any school district including, but not limited
3 to, food service workers, school bus drivers and other
4 transportation employees, who have direct, daily contact with
5 the pupils of any school in such district. For purposes of
6 criminal history records checks and checks of the Statewide Sex
7 Offender Database on employees of persons or firms holding
8 contracts with more than one school district and assigned to
9 more than one school district, the regional superintendent of
10 the educational service region in which the contracting school
11 districts are located may, at the request of any such school
12 district, be responsible for receiving the authorization for a
13 criminal history records check prepared by each such employee
14 and submitting the same to the Department of State Police and
15 for conducting a check of the Statewide Sex Offender Database
16 and the Statewide Child Murderer and Violent Offender Against
17 Youth Database for each employee. Any information concerning
18 the record of conviction and identification as a sex offender
19 of any such employee obtained by the regional superintendent
20 shall be promptly reported to the president of the appropriate
21 school board or school boards.

22 (g) Beginning on January 1, 2012, the provisions of this
23 Section shall apply to all student teachers, as defined by
24 State Board of Education rule, assigned to public schools or
25 nonpublic schools recognized by the State Board pursuant to
26 Section 2-3.25o of this Code. Student teachers must undergo a

1 Department of State Police and Federal Bureau of Investigation
2 fingerprint-based criminal history records check.
3 Authorization to conduct the criminal history records check
4 must be furnished by the student teacher to the school to which
5 the student teacher is assigned. The Department of State Police
6 and the Federal Bureau of Investigation shall furnish, pursuant
7 to a fingerprint-based criminal history records check, records
8 of convictions, until expunged, to the president of the school
9 board for the school district that requested the check or the
10 chief administrative officer of the nonpublic school that
11 requested the check. The Department of State Police shall
12 charge a fee for conducting the check, which fee must be
13 deposited into the State Police Services Fund and must not
14 exceed the cost of the inquiry. The student teacher shall be
15 required to pay all fees associated with conducting the
16 criminal history records check, as well as any other
17 application fees as established by rule including, but not
18 limited to, the fee established by the Department of State
19 Police and the Federal Bureau of Investigation to process
20 fingerprint-based criminal history records checks. Results of
21 the check must also be furnished by the school district or
22 nonpublic school to the higher education institution where the
23 student teacher is enrolled. No one may begin student teaching
24 until the results of the criminal history records check have
25 been returned to the school district or nonpublic school. ~~In~~
26 order to student teach in the public schools, a person is

1 ~~required to authorize a fingerprint-based criminal history~~
2 ~~records check and checks of the Statewide Sex Offender Database~~
3 ~~and Statewide Child Murderer and Violent Offender Against Youth~~
4 ~~Database prior to participating in any field experiences in the~~
5 ~~public schools. Authorization for and payment of the costs of~~
6 ~~the checks must be furnished by the student teacher. Results of~~
7 ~~the checks must be furnished to the higher education~~
8 ~~institution where the student teacher is enrolled and the~~
9 ~~superintendent of the school district where the student is~~
10 ~~assigned.~~

11 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;
12 96-1452, eff. 8-20-10; 96-1489, eff. 1-1-11; revised 1-4-11.)

13 (105 ILCS 5/10-22.31a) (from Ch. 122, par. 10-22.31a)

14 Sec. 10-22.31a. Joint educational programs. To enter into
15 joint agreements with other school boards or public
16 institutions of higher education to establish any type of
17 educational program which any district may establish
18 individually, to provide the needed educational facilities and
19 to employ a director and other professional workers for such
20 program. The director and other professional workers may be
21 employed by one district which shall be reimbursed on a
22 mutually agreed basis by other districts that are parties to
23 the joint agreement. Such agreements may provide that one
24 district may supply professional workers for a joint program
25 conducted in another district. Such agreement shall be executed

1 on forms ~~provided by the State Board of Education~~ and shall
2 include, but not be limited to, provisions for administration,
3 staff, programs, financing, housing, transportation and
4 advisory body and provide for the withdrawal of districts from
5 the joint agreement by petition to the regional board of school
6 trustees. Such petitions for withdrawal shall be made to the
7 regional board of school trustees of the region having
8 supervision and control over the administrative district and
9 shall be acted upon in the manner provided in Article 7 for the
10 detachment of territory from a school district.

11 To designate an administrative district to act as fiscal
12 and legal agent for the districts that are parties to such a
13 joint agreement.

14 (Source: P.A. 86-198; 86-1318.)

15 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

16 Sec. 18-12. Dates for filing State aid claims. The school
17 board of each school district shall require teachers,
18 principals, or superintendents to furnish from records kept by
19 them such data as it needs in preparing and certifying to the
20 State Superintendent of Education ~~regional superintendent~~ its
21 school district report of claims provided in Sections 18-8.05
22 through 18-9 as required by the State Superintendent of
23 Education. The district claim shall be based on the latest
24 available equalized assessed valuation and tax rates, as
25 provided in Section 18-8.05 and shall use the average daily

1 attendance as determined by the method outlined in Section
2 18-8.05 and shall be certified and filed with the State
3 Superintendent of Education ~~regional superintendent~~ by June 21
4 for districts with an official school calendar end date before
5 June 15 or within 2 weeks following the official school
6 calendar end date for districts with a school year end date of
7 June 15 or later. ~~The regional superintendent shall certify and~~
8 ~~file with the State Superintendent of Education district State~~
9 ~~aid claims by July 1 for districts with an official school~~
10 ~~calendar end date before June 15 or no later than July 15 for~~
11 ~~districts with an official school calendar end date of June 15~~
12 ~~or later.~~ Failure to so file by these deadlines constitutes a
13 forfeiture of the right to receive payment by the State until
14 such claim is filed and vouchered for payment. The ~~regional~~
15 ~~superintendent of schools shall certify the county report of~~
16 ~~claims by July 15;~~ and the State Superintendent of Education
17 shall voucher for payment those claims to the State Comptroller
18 as provided in Section 18-11.

19 Except as otherwise provided in this Section, if any school
20 district fails to provide the minimum school term specified in
21 Section 10-19, the State aid claim for that year shall be
22 reduced by the State Superintendent of Education in an amount
23 equivalent to 1/176 or .56818% for each day less than the
24 number of days required by this Code.

25 If the State Superintendent of Education determines that
26 the failure to provide the minimum school term was occasioned

1 by an act or acts of God, or was occasioned by conditions
2 beyond the control of the school district which posed a
3 hazardous threat to the health and safety of pupils, the State
4 aid claim need not be reduced.

5 If a school district is precluded from providing the
6 minimum hours of instruction required for a full day of
7 attendance due to an adverse weather condition or a condition
8 beyond the control of the school district that poses a
9 hazardous threat to the health and safety of students, then the
10 partial day of attendance may be counted if (i) the school
11 district has provided at least one hour of instruction prior to
12 the closure of the school district, (ii) a school building has
13 provided at least one hour of instruction prior to the closure
14 of the school building, or (iii) the normal start time of the
15 school district is delayed.

16 If, prior to providing any instruction, a school district
17 must close one or more but not all school buildings after
18 consultation with a local emergency response agency or due to a
19 condition beyond the control of the school district, then the
20 school district may claim attendance for up to 2 school days
21 based on the average attendance of the 3 school days
22 immediately preceding the closure of the affected school
23 building. The partial or no day of attendance described in this
24 Section and the reasons therefore shall be certified within a
25 month of the closing or delayed start by the school district
26 superintendent to the regional superintendent of schools for

1 forwarding to the State Superintendent of Education for
2 approval.

3 No exception to the requirement of providing a minimum
4 school term may be approved by the State Superintendent of
5 Education pursuant to this Section unless a school district has
6 first used all emergency days provided for in its regular
7 calendar.

8 If the State Superintendent of Education declares that an
9 energy shortage exists during any part of the school year for
10 the State or a designated portion of the State, a district may
11 operate the school attendance centers within the district 4
12 days of the week during the time of the shortage by extending
13 each existing school day by one clock hour of school work, and
14 the State aid claim shall not be reduced, nor shall the
15 employees of that district suffer any reduction in salary or
16 benefits as a result thereof. A district may operate all
17 attendance centers on this revised schedule, or may apply the
18 schedule to selected attendance centers, taking into
19 consideration such factors as pupil transportation schedules
20 and patterns and sources of energy for individual attendance
21 centers.

22 Electronically submitted State aid claims shall be
23 submitted by duly authorized district or regional individuals
24 over a secure network that is password protected. The
25 electronic submission of a State aid claim must be accompanied
26 with an affirmation that all of the provisions of Sections

1 18-8.05 through 18-9, 10-22.5, and 24-4 of this Code are met in
2 all respects.

3 (Source: P.A. 95-152, eff. 8-14-07; 95-811, eff. 8-13-08;
4 95-876, eff. 8-21-08; 96-734, eff. 8-25-09.)

5 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

6 Sec. 26-2a. A "truant" is defined as a child subject to
7 compulsory school attendance and who is absent without valid
8 cause from such attendance for a school day or portion thereof.

9 "Valid cause" for absence shall be illness, observance of a
10 religious holiday, death in the immediate family, family
11 emergency, and shall include such other situations beyond the
12 control of the student as determined by the board of education
13 in each district, or such other circumstances which cause
14 reasonable concern to the parent for the safety or health of
15 the student.

16 "Chronic or habitual truant" shall be defined as a child
17 subject to compulsory school attendance and who is absent
18 without valid cause from such attendance for 10% or more of the
19 previous 180 regular attendance days.

20 "Truant minor" is defined as a chronic truant to whom
21 supportive services, including prevention, diagnostic,
22 intervention and remedial services, alternative programs and
23 other school and community resources have been provided and
24 have failed to result in the cessation of chronic truancy, or
25 have been offered and refused.

1 A "dropout" is defined as any child enrolled in grades one
2 ~~9~~ through 12 whose name has been removed from the district
3 enrollment roster for any reason other than the student's
4 death, extended illness, removal for medical non-compliance,
5 expulsion, ~~aging out~~, graduation, or completion of a program of
6 studies and who has not transferred to another public or
7 private school or moved out of the United States ~~and is not~~
8 ~~known to be home schooled by his or her parents or guardians or~~
9 ~~continuing school in another country.~~

10 "Religion" for the purposes of this Article, includes all
11 aspects of religious observance and practice, as well as
12 belief.

13 (Source: P.A. 96-1423, eff. 8-3-10.)

14 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

15 Sec. 34-18.5. Criminal history records checks and checks of
16 the Statewide Sex Offender Database and Statewide Child
17 Murderer and Violent Offender Against Youth Database.

18 (a) Certified and noncertified applicants for employment
19 with the school district are required as a condition of
20 employment to authorize a fingerprint-based criminal history
21 records check to determine if such applicants have been
22 convicted of any of the enumerated criminal or drug offenses in
23 subsection (c) of this Section or have been convicted, within 7
24 years of the application for employment with the school
25 district, of any other felony under the laws of this State or

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

1 teacher or concurrent educational support personnel employee
2 that the check of the applicant has been requested. The
3 Department of State Police and the Federal Bureau of
4 Investigation shall furnish, pursuant to a fingerprint-based
5 criminal history records check, records of convictions, until
6 expunged, to the president of the school board for the school
7 district that requested the check, or to the regional
8 superintendent who requested the check. The Department shall
9 charge the school district or the appropriate regional
10 superintendent a fee for conducting such check, which fee shall
11 be deposited in the State Police Services Fund and shall not
12 exceed the cost of the inquiry; and the applicant shall not be
13 charged a fee for such check by the school district or by the
14 regional superintendent. Subject to appropriations for these
15 purposes, the State Superintendent of Education shall
16 reimburse the school district and regional superintendent for
17 fees paid to obtain criminal history records checks under this
18 Section.

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

23 (a-6) The school district or regional superintendent shall
24 further perform a check of the Statewide Child Murderer and
25 Violent Offender Against Youth Database, as authorized by the
26 Child Murderer and Violent Offender Against Youth Community

1 Notification Law, for each applicant.

2 (b) Any information concerning the record of convictions
3 obtained by the president of the board of education or the
4 regional superintendent shall be confidential and may only be
5 transmitted to the general superintendent of the school
6 district or his designee, the appropriate regional
7 superintendent if the check was requested by the board of
8 education for the school district, the presidents of the
9 appropriate board of education or school boards if the check
10 was requested from the Department of State Police by the
11 regional superintendent, the State Superintendent of
12 Education, the State Teacher Certification Board or any other
13 person necessary to the decision of hiring the applicant for
14 employment. A copy of the record of convictions obtained from
15 the Department of State Police shall be provided to the
16 applicant for employment. Upon the check of the Statewide Sex
17 Offender Database, the school district or regional
18 superintendent shall notify an applicant as to whether or not
19 the applicant has been identified in the Database as a sex
20 offender. If a check of an applicant for employment as a
21 substitute or concurrent part-time teacher or concurrent
22 educational support personnel employee in more than one school
23 district was requested by the regional superintendent, and the
24 Department of State Police upon a check ascertains that the
25 applicant has not been convicted of any of the enumerated
26 criminal or drug offenses in subsection (c) or has not been

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

1 support personnel employee or may initiate its own criminal
2 history records check of the applicant through the Department
3 of State Police and its own check of the Statewide Sex Offender
4 Database as provided in subsection (a). Any person who releases
5 any confidential information concerning any criminal
6 convictions of an applicant for employment shall be guilty of a
7 Class A misdemeanor, unless the release of such information is
8 authorized by this Section.

9 (c) The board of education shall not knowingly employ a
10 person who has been convicted of any offense that would subject
11 him or her to certification suspension or revocation pursuant
12 to Section 21-23a of this Code. Further, the board of education
13 shall not knowingly employ a person who has been found to be
14 the perpetrator of sexual or physical abuse of any minor under
15 18 years of age pursuant to proceedings under Article II of the
16 Juvenile Court Act of 1987.

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

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

26 (e-5) The general superintendent of schools shall, in

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

1 otherwise might result by reason of such action.

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

24 (g) Beginning on January 1, 2012, the provisions of this
25 Section shall apply to all student teachers, as defined by
26 State Board of Education rule, assigned to public schools.

1 Student teachers must undergo a Department of State Police and
2 Federal Bureau of Investigation fingerprint-based criminal
3 history records check. Authorization to conduct the criminal
4 history records check must be furnished by the student teacher
5 to the school to which the student teacher is assigned. 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 Chicago Board of Education.
10 The Department of State Police shall charge a fee for
11 conducting the check, which fee must be deposited into the
12 State Police Services Fund and must not exceed the cost of the
13 inquiry. The student teacher shall be required to pay all fees
14 associated with conducting the criminal history records check,
15 as well as any other application fees as established by rule
16 including, but not limited to, the fee established by the
17 Department of State Police and the Federal Bureau of
18 Investigation to process fingerprint-based criminal history
19 records checks. Results of the check must also be furnished by
20 the school district to the higher education institution where
21 the student teacher is enrolled. No one may begin student
22 teaching until the results of the criminal history records
23 check have been returned to the school district. ~~In order to~~
24 ~~student teach in the public schools, a person is required to~~
25 ~~authorize a fingerprint based criminal history records check~~
26 ~~and checks of the Statewide Sex Offender Database and Statewide~~

1 ~~Child Murderer and Violent Offender Against Youth Database~~
2 ~~prior to participating in any field experiences in the public~~
3 ~~schools. Authorization for and payment of the costs of the~~
4 ~~checks must be furnished by the student teacher. Results of the~~
5 ~~checks must be furnished to the higher education institution~~
6 ~~where the student teacher is enrolled and the general~~
7 ~~superintendent of schools.~~

8 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;
9 96-1452, eff. 8-20-10.)