

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 Murderer and
9 Violent Offender Against Youth Database.

10 (a) Certified and noncertified applicants for employment
11 with a school district, except as provided in subsection (d-5)
12 of this Section and except for school bus driver applicants,
13 are required as a condition of employment to authorize a
14 fingerprint-based criminal history records check to determine
15 if such applicants have been convicted of any of the enumerated
16 criminal or drug offenses in subsection (c) of this Section or
17 have been convicted, within 7 years of the application for
18 employment with the school district, of any other felony under
19 the laws of this State or of any offense committed or attempted
20 in any other state or against the laws of the United States
21 that, if committed or attempted in this State, would have been
22 punishable as a felony under the laws of this State.
23 Authorization for the check shall be furnished by the applicant

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

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

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

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

25 (b) Any information concerning the record of convictions
26 obtained by the president of the school board or the regional

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

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

1 Database as provided in subsection (a). Any person who releases
2 any confidential information concerning any criminal
3 convictions of an applicant for employment shall be guilty of a
4 Class A misdemeanor, unless the release of such information is
5 authorized by this Section.

6 (c) No school board shall knowingly employ a person who has
7 been convicted of any offense that would subject him or her to
8 license suspension or revocation pursuant to Section 21B-80 of
9 this Code. Further, no school board shall knowingly employ a
10 person who has been found to be the perpetrator of sexual or
11 physical abuse of any minor under 18 years of age pursuant to
12 proceedings under Article II of the Juvenile Court 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 (d-5) The requirements of this Section do not apply to
17 individuals who (i) submitted to a fingerprint-based criminal
18 history records check as a condition of employment with a
19 school district and (ii) upon retirement from employment with
20 that school district, has sought and obtained employment with
21 that school district as a substitute teacher. A school district
22 may require an applicant for employment as described in this
23 subsection (d-5) to submit to a fingerprint-based criminal
24 history records check through the Federal Bureau of
25 Investigation and a check of the Statewide Sex Offender
26 Database and the Statewide Murderer and Violent Offender

1 Against Youth Database.

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

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

1 investigate and prosecute pursuant to Article 21 of this Code,
2 (ii) pursuant to a court order, (iii) for disclosure to the
3 certificate holder or his or her representative, or (iv) as
4 otherwise provided in this Article and provided that any such
5 information admitted into evidence in a hearing is exempt from
6 this confidentiality and non-disclosure requirement. Except
7 for an act of willful or wanton misconduct, any superintendent
8 who provides notification as required in this subsection (e-5)
9 shall have immunity from any liability, whether civil or
10 criminal or that otherwise might result by reason of such
11 action.

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

1 for conducting a check of the Statewide Sex Offender Database
2 for each employee. Any information concerning the record of
3 conviction and identification as a sex offender of any such
4 employee obtained by the regional superintendent shall be
5 promptly reported to the president of the appropriate school
6 board or school boards.

7 (g) In order to student teach in the public schools, a
8 person is required to authorize a fingerprint-based criminal
9 history records check and checks of the Statewide Sex Offender
10 Database and Statewide Murderer and Violent Offender Against
11 Youth Database prior to participating in any field experiences
12 in the public schools. Authorization for and payment of the
13 costs of the checks must be furnished by the student teacher.
14 Results of the checks must be furnished to the higher education
15 institution where the student teacher is enrolled and the
16 superintendent of the school district where the student is
17 assigned.

18 (h) Upon request of a school, school district, community
19 college district, or private school, any information obtained
20 by a school district pursuant to subsection (f) of this Section
21 within the last year must be made available to that school,
22 school district, community college district, or private
23 school.

24 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
25 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;
26 97-607, eff. 8-26-11; revised 9-21-11.)

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 Murderer and
4 Violent Offender Against Youth Database.

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

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

1 charged a fee for such check by the school district or by the
2 regional superintendent. Subject to appropriations for these
3 purposes, the State Superintendent of Education shall
4 reimburse the school district and regional superintendent for
5 fees paid to obtain criminal history records checks under this
6 Section.

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

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

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

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

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

23 (c) The board of education shall not knowingly employ a
24 person who has been convicted of any offense that would subject
25 him or her to license suspension or revocation pursuant to
26 Section 21B-80 of this Code. Further, the board of education

1 shall not knowingly employ a person who has been found to be
2 the perpetrator of sexual or physical abuse of any minor under
3 18 years of age pursuant to proceedings under Article II of the
4 Juvenile Court Act of 1987.

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

8 (d-5) The requirements of this Section do not apply to
9 individuals who (i) submitted to a fingerprint-based criminal
10 history records check as a condition of employment with the
11 school district and (ii) upon retirement from employment with
12 the school district, has sought and obtained employment with
13 the school district as a substitute teacher. The school
14 district may require an applicant for employment as described
15 in this subsection (d-5) to submit to a fingerprint-based
16 criminal history records check through the Federal Bureau of
17 Investigation and a check of the Statewide Sex Offender
18 Database and the Statewide Murderer and Violent Offender
19 Against Youth Database.

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 for each employee. Any information concerning the record of
19 conviction and identification as a sex offender of any such
20 employee obtained by the regional superintendent shall be
21 promptly reported to the president of the appropriate school
22 board or school boards.

23 (g) In order to student teach in the public schools, a
24 person is required to authorize a fingerprint-based criminal
25 history records check and checks of the Statewide Sex Offender
26 Database and Statewide Murderer and Violent Offender Against

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

7 (h) Upon request of a school, school district, community
8 college district, or private school, any information obtained
9 by the school district pursuant to subsection (f) of this
10 Section within the last year must be made available to that
11 school, school district, community college district, or
12 private school.

13 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
14 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;
15 revised 9-28-11.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.