



Rep. Norine Hammond

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LRB097 13416 NHT 69298 a

1 AMENDMENT TO SENATE BILL 2896

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2896 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 10-21.9 as follows:

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

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

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

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

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

26 (a-6) The school district or regional superintendent shall

1 further perform a check of the Statewide Murderer and Violent  
2 Offender Against Youth Database, as authorized by the Murderer  
3 and Violent Offender Against Youth Community Notification Law,  
4 for each applicant.

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

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

1 of any school district shall request from the regional  
2 superintendent a copy of ~~may rely on~~ the certificate issued ~~by~~  
3 ~~any regional superintendent~~ to that substitute teacher,  
4 concurrent part-time teacher, or concurrent educational  
5 support personnel employee or may initiate its own criminal  
6 history records check of the applicant through the Department  
7 of State Police and its own check of the Statewide Sex Offender  
8 Database as provided in subsection (a). Any person who releases  
9 any confidential information concerning any criminal  
10 convictions of an applicant for employment shall be guilty of a  
11 Class A misdemeanor, unless the release of such information is  
12 authorized by this Section.

13 (c) No school board shall knowingly employ a person who has  
14 been convicted of any offense that would subject him or her to  
15 license suspension or revocation pursuant to Section 21B-80 of  
16 this Code. Further, no school board shall knowingly employ a  
17 person who has been found to be the perpetrator of sexual or  
18 physical abuse of any minor under 18 years of age pursuant to  
19 proceedings under Article II of the Juvenile Court Act of 1987.

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

23 (e) Upon receipt of the record of a conviction of or a  
24 finding of child abuse by a holder of any certificate issued  
25 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
26 Code, the State Superintendent of Education may initiate

1 certificate suspension and revocation proceedings as  
2 authorized by law.

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

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

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



1 board or school boards.

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

13 (h) Upon request of a school, school district, community  
14 college district, or private school, any information obtained  
15 by a school district pursuant to subsection (f) of this Section  
16 within the last year must be made available to that school,  
17 school district, community college district, or private  
18 school.

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