



Rep. Kelly M. Cassidy

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1 AMENDMENT TO HOUSE BILL 494

2 AMENDMENT NO. _____. Amend House Bill 494, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Sections
6 2-3.25o, 10-21.9, 21B-80, and 34-18.5 as follows:

7 (105 ILCS 5/2-3.25o)

8 Sec. 2-3.25o. Registration and recognition of non-public
9 elementary and secondary schools.

10 (a) Findings. The General Assembly finds and declares (i)
11 that the Constitution of the State of Illinois provides that a
12 "fundamental goal of the People of the State is the educational
13 development of all persons to the limits of their capacities"
14 and (ii) that the educational development of every school
15 student serves the public purposes of the State. In order to
16 ensure that all Illinois students and teachers have the

1 opportunity to enroll and work in State-approved educational
2 institutions and programs, the State Board of Education shall
3 provide for the voluntary registration and recognition of
4 non-public elementary and secondary schools.

5 (b) Registration. All non-public elementary and secondary
6 schools in the State of Illinois may voluntarily register with
7 the State Board of Education on an annual basis. Registration
8 shall be completed in conformance with procedures prescribed by
9 the State Board of Education. Information required for
10 registration shall include assurances of compliance (i) with
11 federal and State laws regarding health examination and
12 immunization, attendance, length of term, and
13 nondiscrimination and (ii) with applicable fire and health
14 safety requirements.

15 (c) Recognition. All non-public elementary and secondary
16 schools in the State of Illinois may voluntarily seek the
17 status of "Non-public School Recognition" from the State Board
18 of Education. This status may be obtained by compliance with
19 administrative guidelines and review procedures as prescribed
20 by the State Board of Education. The guidelines and procedures
21 must recognize that some of the aims and the financial bases of
22 non-public schools are different from public schools and will
23 not be identical to those for public schools, nor will they be
24 more burdensome. The guidelines and procedures must also
25 recognize the diversity of non-public schools and shall not
26 impinge upon the noneducational relationships between those

1 schools and their clientele.

2 (c-5) Prohibition against recognition. A non-public
3 elementary or secondary school may not obtain "Non-public
4 School Recognition" status unless the school requires all
5 certified and non-certified applicants for employment with the
6 school, after July 1, 2007, to authorize a fingerprint-based
7 criminal history records check as a condition of employment to
8 determine if such applicants have been convicted of any of the
9 enumerated criminal or drug offenses set forth in Section
10 21B-80 ~~21-23a~~ of this Code or have been convicted, within 7
11 years of the application for employment, of any other felony
12 under the laws of this State or of any offense committed or
13 attempted in any other state or against the laws of the United
14 States that, if committed or attempted in this State, would
15 have been punishable as a felony under the laws of this State.
16 A conviction for a felony more than 7 years prior to
17 application for employment with the school, other than those
18 enumerated in Section 21B-80 of this Code, must not, in and of
19 itself, be an automatic bar to employment. A conviction for a
20 felony less than 7 years prior to employment, other than those
21 enumerated in Section 21B-80 of this Code, is reviewable by the
22 employer in accordance with its stated policy.

23 Authorization for the check shall be furnished by the
24 applicant to the school, except that if the applicant is a
25 substitute teacher seeking employment in more than one
26 non-public school, a teacher seeking concurrent part-time

1 employment positions with more than one non-public school (as a
2 reading specialist, special education teacher, or otherwise),
3 or an educational support personnel employee seeking
4 employment positions with more than one non-public school, then
5 only one of the non-public schools employing the individual
6 shall request the authorization. Upon receipt of this
7 authorization, the non-public school shall submit the
8 applicant's name, sex, race, date of birth, social security
9 number, fingerprint images, and other identifiers, as
10 prescribed by the Department of State Police, to the Department
11 of State Police.

12 The Department of State Police and Federal Bureau of
13 Investigation shall furnish, pursuant to a fingerprint-based
14 criminal history records check, records of convictions,
15 forever and hereafter, until expunged, to the president or
16 principal of the non-public school that requested the check.
17 The Department of State Police shall charge that school a fee
18 for conducting such check, which fee must be deposited into the
19 State Police Services Fund and must not exceed the cost of the
20 inquiry. Subject to appropriations for these purposes, the
21 State Superintendent of Education shall reimburse non-public
22 schools for fees paid to obtain criminal history records checks
23 under this Section.

24 A non-public school may not obtain recognition status
25 unless the school also performs a check of the Statewide Sex
26 Offender Database, as authorized by the Sex Offender Community

1 Notification Law, for each applicant for employment, after July
2 1, 2007, to determine whether the applicant has been
3 adjudicated a sex offender.

4 Any information concerning the record of convictions
5 obtained by a non-public school's president or principal under
6 this Section is confidential and may be disseminated only to
7 the governing body of the non-public school or any other person
8 necessary to the decision of hiring the applicant for
9 employment. A copy of the record of convictions obtained from
10 the Department of State Police shall be provided to the
11 applicant for employment. Upon a check of the Statewide Sex
12 Offender Database, the non-public school shall notify the
13 applicant as to whether or not the applicant has been
14 identified in the Sex Offender Database as a sex offender. Any
15 information concerning the records of conviction obtained by
16 the non-public school's president or principal under this
17 Section for a substitute teacher seeking employment in more
18 than one non-public school, a teacher seeking concurrent
19 part-time employment positions with more than one non-public
20 school (as a reading specialist, special education teacher, or
21 otherwise), or an educational support personnel employee
22 seeking employment positions with more than one non-public
23 school may be shared with another non-public school's principal
24 or president to which the applicant seeks employment. Any
25 person who releases any criminal history record information
26 concerning an applicant for employment is guilty of a Class A

1 misdemeanor and may be subject to prosecution under federal
2 law, unless the release of such information is authorized by
3 this Section.

4 No non-public school may obtain recognition status that
5 knowingly employs a person, hired after July 1, 2007, for whom
6 a Department of State Police and Federal Bureau of
7 Investigation fingerprint-based criminal history records check
8 and a Statewide Sex Offender Database check has not been
9 initiated or who has been convicted of any offense enumerated
10 in Section 21B-80 of this Code or any offense committed or
11 attempted in any other state or against the laws of the United
12 States that, if committed or attempted in this State, would
13 have been punishable as one or more of those offenses. No
14 non-public school may obtain recognition status under this
15 Section that knowingly employs a person who has been found to
16 be the perpetrator of sexual or physical abuse of a minor under
17 18 years of age pursuant to proceedings under Article II of the
18 Juvenile Court Act of 1987.

19 In order to obtain recognition status under this Section, a
20 non-public school must require compliance with the provisions
21 of this subsection (c-5) from all employees of persons or firms
22 holding contracts with the school, including, but not limited
23 to, food service workers, school bus drivers, and other
24 transportation employees, who have direct, daily contact with
25 pupils. Any information concerning the records of conviction or
26 identification as a sex offender of any such employee obtained

1 by the non-public school principal or president must be
2 promptly reported to the school's governing body.

3 (d) Public purposes. The provisions of this Section are in
4 the public interest, for the public benefit, and serve secular
5 public purposes.

6 (e) Definition. For purposes of this Section, a non-public
7 school means any non-profit, non-home-based, and non-public
8 elementary or secondary school that is in compliance with Title
9 VI of the Civil Rights Act of 1964 and attendance at which
10 satisfies the requirements of Section 26-1 of this Code.

11 (Source: P.A. 96-431, eff. 8-13-09; 97-607, eff. 8-26-11.)

12 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

13 Sec. 10-21.9. Criminal history records checks and checks of
14 the Statewide Sex Offender Database and Statewide Murderer and
15 Violent Offender Against Youth Database.

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

1 that, if committed or attempted in this State, would have been
2 punishable as a felony under the laws of this State. A
3 conviction for a felony more than 7 years prior to application
4 for employment with the school district, other than those
5 enumerated in Section 21B-80 of this Code, must not, in and of
6 itself, be an automatic bar to employment. A conviction for a
7 felony less than 7 years prior to employment, other than those
8 enumerated in Section 21B-80 of this Code, is reviewable by the
9 employer in accordance with its stated policy. Authorization
10 for the check shall be furnished by the applicant to the school
11 district, except that if the applicant is a substitute teacher
12 seeking employment in more than one school district, a teacher
13 seeking concurrent part-time employment positions with more
14 than one school district (as a reading specialist, special
15 education teacher or otherwise), or an educational support
16 personnel employee seeking employment positions with more than
17 one district, any such district may require the applicant to
18 furnish authorization for the check to the regional
19 superintendent of the educational service region in which are
20 located the school districts in which the applicant is seeking
21 employment as a substitute or concurrent part-time teacher or
22 concurrent educational support personnel employee. Upon
23 receipt of this authorization, the school district or the
24 appropriate regional superintendent, as the case may be, shall
25 submit the applicant's name, sex, race, date of birth, social
26 security number, fingerprint images, and other identifiers, as

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

26 (a-5) The school district or regional superintendent shall

1 further perform a check of the Statewide Sex Offender Database,
2 as authorized by the Sex Offender Community Notification Law,
3 for each applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
24 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;
25 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

1 (105 ILCS 5/21B-80)

2 Sec. 21B-80. Conviction of certain offenses as grounds for
3 disqualification for employment or licensure or revocation of a
4 license.

5 (a) As used in this Section:

6 "Drug Narcotics offense" means any one or more of the
7 following offenses:

8 (1) Any offense defined in the Cannabis Control Act,
9 except those defined in subdivisions (a), ~~and~~ (b), and (c)
10 of Section 4 and subdivisions ~~subdivision~~ (a) and (b) of
11 Section 5 of the Cannabis Control Act and any offense for
12 which the holder of a license is placed on probation under
13 the provisions of Section 10 of the Cannabis Control Act,
14 provided that if the terms and conditions of probation
15 required by the court are not fulfilled, the offense is not
16 eligible for this exception.

17 (2) Any offense defined in the Illinois Controlled
18 Substances Act, except any offense for which the holder of
19 a license is placed on probation under the provisions of
20 Section 410 of the Illinois Controlled Substances Act,
21 provided that if the terms and conditions of probation
22 required by the court are not fulfilled, the offense is not
23 eligible for this exception.

24 (3) Any offense defined in the Methamphetamine Control
25 and Community Protection Act, except any offense for which
26 the holder of a license is placed on probation under the

1 provision of Section 70 of that Act, provided that if the
2 terms and conditions of probation required by the court are
3 not fulfilled, the offense is not eligible for this
4 exception.

5 (4) Any attempt to commit any of the offenses listed in
6 items (1) through (3) of this definition.

7 (5) Any offense committed or attempted in any other
8 state or against the laws of the United States that, if
9 committed or attempted in this State, would have been
10 punishable as one or more of the offenses listed in items
11 (1) through (4) of this definition.

12 The changes made by Public Act 96-431 to this ~~the~~ definition of
13 "~~narcotics offense~~" are declaratory of existing law.

14 "Sex offense" means any one or more of the following
15 offenses:

16 (A) Any offense defined in Sections 11-6, 11-9 through
17 11-9.5, inclusive, and 11-30 (if punished as a Class 4
18 felony), of the Criminal Code of 1961 or the Criminal Code
19 of 2012; Sections 11-14.1 ~~11-14~~ through 11-21, inclusive,
20 of the Criminal Code of 1961 or the Criminal Code of 2012;
21 Sections 11-23 (if punished as a Class 3 felony), 11-24,
22 11-25, and 11-26 of the Criminal Code of 1961 or the
23 Criminal Code of 2012; and Sections 11-1.20, 11-1.30,
24 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1,
25 12-15, 12-16, 12-32, 12-33, and 12C-45 of the Criminal Code
26 of 1961 or the Criminal Code of 2012.

1 (B) Any attempt to commit any of the offenses listed in
2 item (A) of this definition.

3 (C) Any offense committed or attempted in any other
4 state that, if committed or attempted in this State, would
5 have been punishable as one or more of the offenses listed
6 in items (A) and (B) of this definition.

7 (a-5) Any conviction for a drug offense shall act as an
8 automatic bar to employment and licensure for a period of 7
9 years following the end of the sentence for the criminal
10 offense. As used in this subsection (a-5), "sentence" includes
11 any period of supervision or probation that was imposed either
12 alone or in combination with a period of incarceration. After
13 that, the conviction may be reviewed for employment or
14 licensure.

15 (b) Whenever the holder of any license issued pursuant to
16 this Article or applicant for a license to be issued pursuant
17 to this Article has been convicted of any sex offense or drug
18 ~~narcotics~~ offense, the State Superintendent of Education shall
19 forthwith suspend the license or deny the application,
20 whichever is applicable. If the conviction is reversed and the
21 holder is acquitted of the offense in a new trial or the
22 charges against him or her are dismissed, the State
23 Superintendent of Education shall forthwith terminate the
24 suspension of the license. When the conviction becomes final,
25 the State Superintendent of Education shall forthwith revoke
26 the license.

1 (c) Whenever the holder of a license issued pursuant to
2 this Article or applicant for a license to be issued pursuant
3 to this Article has been convicted of attempting to commit,
4 conspiring to commit, soliciting, or committing first degree
5 murder or a Class X felony or any offense committed or
6 attempted in any other state or against the laws of the United
7 States that, if committed or attempted in this State, would
8 have been punishable as one or more of the foregoing offenses,
9 the State Superintendent of Education shall forthwith suspend
10 the license or deny the application, whichever is applicable.
11 If the conviction is reversed and the holder is acquitted of
12 that offense in a new trial or the charges that he or she
13 committed that offense are dismissed, the State Superintendent
14 of Education shall forthwith terminate the suspension of the
15 license. When the conviction becomes final, the State
16 Superintendent of Education shall forthwith revoke the
17 license.

18 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.
19 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

21 Sec. 34-18.5. Criminal history records checks and checks of
22 the Statewide Sex Offender Database and Statewide Murderer and
23 Violent Offender Against Youth Database.

24 (a) Certified and noncertified applicants for employment
25 with the school district are required as a condition of

1 employment to authorize a fingerprint-based criminal history
2 records check to determine if such applicants have been
3 convicted of any of the enumerated criminal or drug offenses in
4 subsection (c) of this Section or have been convicted, within 7
5 years of the application for employment with the school
6 district, of any other felony under the laws of this State or
7 of any offense committed or attempted in any other state or
8 against the laws of the United States that, if committed or
9 attempted in this State, would have been punishable as a felony
10 under the laws of this State. A conviction for a felony more
11 than 7 years prior to application for employment with the
12 school district, other than those enumerated in Section 21B-80
13 of this Code, must not, in and of itself, be an automatic bar
14 to employment. A conviction for a felony less than 7 years
15 prior to employment, other than those enumerated in Section
16 21B-80 of this Code, is reviewable by the employer in
17 accordance with its stated policy. Authorization for the check
18 shall be furnished by the applicant to the school district,
19 except 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
26 furnish authorization for the check to the regional

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

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

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

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

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

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

1 offenses in subsection (c) of this Section or has not been
2 convicted, within 7 years of the application for employment
3 with the school district, of any other felony under the laws of
4 this State or of any offense committed or attempted in any
5 other state or against the laws of the United States that, if
6 committed or attempted in this State, would have been
7 punishable as a felony under the laws of this State and
8 evidencing that as of the date that the regional superintendent
9 conducted a check of the Statewide Sex Offender Database, the
10 applicant has not been identified in the Database as a sex
11 offender. The school board of any school district may rely on
12 the certificate issued by any regional superintendent to that
13 substitute teacher, concurrent part-time teacher, or
14 concurrent educational support personnel employee or may
15 initiate its own criminal history records check of the
16 applicant through the Department of State Police and its own
17 check of the Statewide Sex Offender Database as provided in
18 subsection (a). Any person who releases any confidential
19 information concerning any criminal convictions of an
20 applicant for employment shall be guilty of a Class A
21 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 (e) Upon receipt of the record of a conviction of or a
9 finding of child abuse by a holder of any certificate issued
10 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
11 Code, the State Superintendent of Education may initiate
12 certificate suspension and revocation proceedings as
13 authorized by law.

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

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

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

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

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

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

1 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
2 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;
3 97-813, eff. 7-13-12.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".