



Rep. C.D. Davidsmeyer

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09900HB3246ham001

LRB099 10235 NHT 33203 a

1 AMENDMENT TO HOUSE BILL 3246

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3246 by replacing  
3 everything after the enacting clause with the following:

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, and Child Abuse and  
10 Neglect Tracking System.

11 (a) Certified and noncertified applicants for employment  
12 with a school district, except 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

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

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

23 Applicants for employment with a school district may also  
24 be required to authorize a Child Abuse and Neglect Tracking  
25 System check from the Department of Children and Family  
26 Services. If a Child Abuse and Neglect Tracking System check is

1 requested, any information or documentation obtained from the  
2 Child Abuse and Neglect Tracking System related to the  
3 applicant shall be furnished to the president of the school  
4 board for the school district that requested the check or to  
5 the regional superintendent of schools who requested the check,  
6 consistent with provisions of the Abused and Neglected Child  
7 Reporting Act.

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

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

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

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

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

24 (c) No school board shall knowingly employ a person who has  
25 been convicted of any offense that would subject him or her to  
26 license suspension or revocation pursuant to Section 21B-80 of

1 this Code. Further, no school board shall knowingly employ a  
2 person who has been found to be the perpetrator of sexual or  
3 physical abuse of any minor under 18 years of age pursuant to  
4 proceedings under Article II of the Juvenile Court Act of 1987.

5 (d) No school board shall knowingly employ a person for  
6 whom a criminal history records check and a Statewide Sex  
7 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 superintendent of the employing school board  
15 shall, in writing, notify the State Superintendent of Education  
16 and the applicable regional superintendent of schools of any  
17 certificate holder whom he or she has reasonable cause to  
18 believe has committed an intentional act of abuse or neglect  
19 with the result of making a child an abused child or a  
20 neglected child, as defined in Section 3 of the Abused and  
21 Neglected Child Reporting Act, and that act resulted in the  
22 certificate holder's dismissal or resignation from the school  
23 district. This notification must be submitted within 30 days  
24 after the dismissal or resignation. The certificate holder must  
25 also be contemporaneously sent a copy of the notice by the  
26 superintendent. All correspondence, documentation, and other

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

18 (f) After January 1, 1990 the provisions of this Section  
19 shall apply to all employees of persons or firms holding  
20 contracts with any school district including, but not limited  
21 to, food service workers, school bus drivers and other  
22 transportation employees, who have direct, daily contact with  
23 the pupils of any school in such district. For purposes of  
24 criminal history records checks and checks of the Statewide Sex  
25 Offender Database on employees of persons or firms holding  
26 contracts with more than one school district and assigned to



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

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

24 (h) Upon request of a school, school district, community  
25 college district, or private school, any information obtained  
26 by a school district pursuant to subsection (f) of this Section

1 within the last year must be made available to that school,  
2 school district, community college district, or private  
3 school.

4 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;  
5 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;  
6 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

7 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

8 Sec. 34-18.5. Criminal history records checks and checks of  
9 the Statewide Sex Offender Database, ~~and~~ Statewide Murderer and  
10 Violent Offender Against Youth Database, and Child Abuse and  
11 Neglect Tracking System.

12 (a) Certified and noncertified applicants for employment  
13 with the school district are required as a condition of  
14 employment to authorize a fingerprint-based criminal history  
15 records check to determine if such applicants have been  
16 convicted of any of the enumerated criminal or drug offenses in  
17 subsection (c) of this Section or have 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. Authorization for the check shall  
24 be furnished by the applicant to the school district, except  
25 that if the applicant is a substitute teacher seeking

1 employment in more than one school district, or a teacher  
2 seeking concurrent part-time employment positions with more  
3 than one school district (as a reading specialist, special  
4 education teacher or otherwise), or an educational support  
5 personnel employee seeking employment positions with more than  
6 one district, any such district may require the applicant to  
7 furnish authorization for the check to the regional  
8 superintendent of the educational service region in which are  
9 located the school districts in which the applicant is seeking  
10 employment as a substitute or concurrent part-time teacher or  
11 concurrent educational support personnel employee. Upon  
12 receipt of this authorization, the school district or the  
13 appropriate regional superintendent, as the case may be, shall  
14 submit the applicant's name, sex, race, date of birth, social  
15 security number, fingerprint images, and other identifiers, as  
16 prescribed by the Department of State Police, to the  
17 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. Subject to appropriations for these  
9 purposes, the State Superintendent of Education shall  
10 reimburse the school district and regional superintendent for  
11 fees paid to obtain criminal history records checks under this  
12 Section.

13 Applicants for employment with the school district may also  
14 be required to authorize a Child Abuse and Neglect Tracking  
15 System check from the Department of Children and Family  
16 Services. If a Child Abuse and Neglect Tracking System check is  
17 requested, any information or documentation obtained from the  
18 Child Abuse and Neglect Tracking System related to the  
19 applicant shall be furnished to the president of the school  
20 board or to the regional superintendent of schools who  
21 requested the check, consistent with provisions of the Abused  
22 and Neglected Child Reporting Act.

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

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

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

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

1 identified in the Database as a sex offender. The school board  
2 of any school district 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) The board of education shall not knowingly employ a  
14 person who has been convicted of any offense that would subject  
15 him or her to license suspension or revocation pursuant to  
16 Section 21B-80 of this Code. Further, the board of education  
17 shall not knowingly employ a person who has been found to be  
18 the perpetrator of sexual or physical abuse of any minor under  
19 18 years of age pursuant to proceedings under Article II of the  
20 Juvenile Court Act of 1987.

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

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

1 Code, the State Superintendent of Education may initiate  
2 certificate suspension and revocation proceedings as  
3 authorized by law.

4 (e-5) The general superintendent of schools shall, in  
5 writing, notify the State Superintendent of Education 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 State Superintendent of  
17 Education, the State Board of Education, or the State Teacher  
18 Certification Board under this subsection (e-5) is  
19 confidential and must not be disclosed to third parties, except  
20 (i) as necessary for the State Superintendent of Education or  
21 his or her designee to investigate and prosecute pursuant to  
22 Article 21 of this Code, (ii) pursuant to a court order, (iii)  
23 for disclosure to the certificate holder or his or her  
24 representative, or (iv) as otherwise provided in this Article  
25 and provided that any such information admitted into evidence  
26 in a hearing is exempt from this confidentiality and



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

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

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

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

17           (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;  
18 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;  
19 97-813, eff. 7-13-12.)

20           Section 99. Effective date. This Act takes effect July 1,  
21 2015."