



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4360

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
105 ILCS 5/21B-15	
105 ILCS 5/21B-80	
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5

Amends the School Code. Provides that no one may be licensed to teach or supervise in the public schools of this State who has been convicted of certain drug offenses until 7 years following the end of the sentence for the offense. Makes changes to provisions relating to the conviction of certain offenses as grounds for revocation of an educator license, including changing the definitions of terms, providing for disqualification for licensure, and providing that suspension of a license or denial of an application for a license of a person who has been convicted of certain drug offenses shall last until 7 years following the end of the sentence for the offense. Makes technical corrections in provisions requiring a criminal history records check to be performed with regard to applicants for employment with a school district. Effective immediately.

LRB099 15498 NHT 39787 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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, 21B-15, 21B-80, 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 school bus driver applicants,
12 are required as a condition of employment to authorize a
13 fingerprint-based criminal history records check to determine
14 if such applicants have been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) of this Section or
16 have been convicted, within 7 years of the application for
17 employment with the school district, of any other felony under
18 the laws of this State or of any offense committed or attempted
19 in any other state or against the laws of the United States
20 that, if committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State.
22 Authorization for the check shall be furnished by the applicant
23 to the school district, except that if the applicant is a

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

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

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

1 check of the Statewide Sex Offender Database as provided in
2 subsection (a). Any unauthorized release of confidential
3 information may be a violation of Section 7 of the Criminal
4 Identification Act.

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

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

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

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

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

25 (f) After January 1, 1990 the provisions of this Section
26 shall apply to all employees of persons or firms holding

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

20 (f-5) Upon request of a school or school district, any
21 information obtained by a school district pursuant to
22 subsection (f) of this Section within the last year must be
23 made available to the requesting school or school district.

24 (g) Prior to the commencement of any student teaching
25 experience or required internship (which is referred to as
26 student teaching in this Section) in the public schools, a

1 student teacher is required to authorize a fingerprint-based
2 criminal history records check. Authorization for and payment
3 of the costs of the check must be furnished by the student
4 teacher to the school district where the student teaching is to
5 be completed. Upon receipt of this authorization and payment,
6 the school district shall submit the student teacher's name,
7 sex, race, date of birth, social security number, fingerprint
8 images, and other identifiers, as prescribed by the Department
9 of State Police, to the Department of State Police. The
10 Department of State Police and the Federal Bureau of
11 Investigation shall furnish, pursuant to a fingerprint-based
12 criminal history records check, records of convictions,
13 forever and hereinafter, until expunged, to the president of
14 the school board for the school district that requested the
15 check. The Department shall charge the school district a fee
16 for conducting the check, which fee must not exceed the cost of
17 the inquiry and must be deposited into the State Police
18 Services Fund. The school district shall further perform a
19 check of the Statewide Sex Offender Database, as authorized by
20 the Sex Offender Community Notification Law, and of the
21 Statewide Murderer and Violent Offender Against Youth
22 Database, as authorized by the Murderer and Violent Offender
23 Against Youth Registration Act, for each student teacher. No
24 school board may knowingly allow a person to student teach for
25 whom a criminal history records check, a Statewide Sex Offender
26 Database check, and a Statewide Murderer and Violent Offender

1 Against Youth Database check have not been completed and
2 reviewed by the district.

3 A copy of the record of convictions obtained from the
4 Department of State Police must be provided to the student
5 teacher. Any information concerning the record of convictions
6 obtained by the president of the school board is confidential
7 and may only be transmitted to the superintendent of the school
8 district or his or her designee, the State Superintendent of
9 Education, the State Educator Preparation and Licensure Board,
10 or, for clarification purposes, the Department of State Police
11 or the Statewide Sex Offender Database or Statewide Murderer
12 and Violent Offender Against Youth Database. Any unauthorized
13 release of confidential information may be a violation of
14 Section 7 of the Criminal Identification Act.

15 No school board may knowingly allow a person to student
16 teach who has been convicted of any offense that would subject
17 him or her to license suspension or revocation pursuant to
18 Section 21B-80 of this Code or who has been found to be the
19 perpetrator of sexual or physical abuse of a minor under 18
20 years of age pursuant to proceedings under Article II of the
21 Juvenile Court Act of 1987.

22 (h) (Blank).

23 (Source: P.A. 99-21, eff. 1-1-16.)

24 (105 ILCS 5/21B-15)

25 Sec. 21B-15. Qualifications of educators.

1 (a) No one may be licensed to teach or supervise or be
2 otherwise employed in the public schools of this State who is
3 not of good character and at least 20 years of age.

4 In determining good character under this Section, the State
5 Superintendent of Education shall take into consideration the
6 disciplinary actions of other states or national entities
7 against certificates or licenses issued by those states and
8 held by individuals from those states. In addition, any felony
9 conviction of the applicant may be taken into consideration;
10 however, no one may be licensed to teach or supervise in the
11 public schools of this State who has been convicted of (i) an
12 offense set forth in subsection (b) of Section 21B-80 of this
13 Code until 7 years following the end of the sentence for the
14 criminal offense or (ii) an offense set forth in subsection (c)
15 of Section 21B-80 of this Code. Unless the conviction is for an
16 offense set forth in Section 21B-80 of this Code, an applicant
17 must be permitted to submit character references or other
18 written material before such a conviction or other information
19 regarding the applicant's character may be used by the State
20 Superintendent of Education as a basis for denying the
21 application.

22 (b) No person otherwise qualified shall be denied the right
23 to be licensed or to receive training for the purpose of
24 becoming an educator because of a physical disability,
25 including, but not limited to, visual and hearing disabilities;
26 nor shall any school district refuse to employ a teacher on

1 such grounds, provided that the person is able to carry out the
2 duties of the position for which he or she applies.

3 (c) No person may be granted or continue to hold an
4 educator license who has knowingly altered or misrepresented
5 his or her qualifications, in this State or any other state, in
6 order to acquire or renew the license. Any other license issued
7 under this Article held by the person may be suspended or
8 revoked by the State Educator Preparation and Licensure Board,
9 depending upon the severity of the alteration or
10 misrepresentation.

11 (d) No one may teach or supervise in the public schools nor
12 receive for teaching or supervising any part of any public
13 school fund who does not hold an educator license granted by
14 the State Superintendent of Education as provided in this
15 Article. However, the provisions of this Article do not apply
16 to a member of the armed forces who is employed as a teacher of
17 subjects in the Reserve Officers' Training Corps of any school,
18 nor to an individual teaching a dual credit course as provided
19 for in the Dual Credit Quality Act.

20 (e) Notwithstanding any other provision of this Code, the
21 school board of a school district may grant to a teacher of the
22 district a leave of absence with full pay for a period of not
23 more than one year to permit the teacher to teach in a foreign
24 state under the provisions of the Exchange Teacher Program
25 established under Public Law 584, 79th Congress, and Public Law
26 402, 80th Congress, as amended. The school board granting the

1 leave of absence may employ, with or without pay, a national of
2 the foreign state wherein the teacher on the leave of absence
3 is to teach if the national is qualified to teach in that
4 foreign state and if that national is to teach in a grade level
5 similar to the one that was taught in the foreign state. The
6 State Board of Education, in consultation with the State
7 Educator Preparation and Licensure Board, may adopt rules as
8 may be necessary to implement this subsection (e).

9 (Source: P.A. 97-607, eff. 8-26-11.)

10 (105 ILCS 5/21B-80)

11 Sec. 21B-80. Conviction of certain offenses as grounds for
12 disqualification for licensure or suspension or revocation of a
13 license.

14 (a) As used in this Section:

15 "Drug Narcotics offense" means any one or more of the
16 following offenses:

17 (1) Any offense defined in the Cannabis Control Act,
18 except those defined in subdivisions (a), ~~and~~ (b), ~~and~~ (c)
19 of Section 4 and subdivisions ~~subdivision~~ (a) and (b) of
20 Section 5 of the Cannabis Control Act and any offense for
21 which the holder of a license is placed on probation under
22 the provisions of Section 10 of the Cannabis Control Act,
23 provided that if the terms and conditions of probation
24 required by the court are not fulfilled, the offense is not
25 eligible for this exception.

1 (2) Any offense defined in the Illinois Controlled
2 Substances Act, except any offense for which the holder of
3 a license is placed on probation under the provisions of
4 Section 410 of the Illinois Controlled Substances Act,
5 provided that if the terms and conditions of probation
6 required by the court are not fulfilled, the offense is not
7 eligible for this exception.

8 (3) Any offense defined in the Methamphetamine Control
9 and Community Protection Act, except any offense for which
10 the holder of a license is placed on probation under the
11 provision of Section 70 of that Act, provided that if the
12 terms and conditions of probation required by the court are
13 not fulfilled, the offense is not eligible for this
14 exception.

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

17 (5) Any offense committed or attempted in any other
18 state or against the laws of the United States that, if
19 committed or attempted in this State, would have been
20 punishable as one or more of the offenses listed in items
21 (1) through (4) of this definition.

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

24 "Sentence" includes any period of supervision or probation
25 that was imposed either alone or in combination with a period
26 of incarceration.

1 "Sex offense" means any one or more of the following
2 offenses:

3 (A) Any offense defined in Sections 11-6, 11-9 through
4 11-9.5, inclusive, and 11-30 (if punished as a Class 4
5 felony)⁷ of the Criminal Code of 1961 or the Criminal Code
6 of 2012; Sections 11-14.1 ~~11-14~~ through 11-21, inclusive,
7 of the Criminal Code of 1961 or the Criminal Code of 2012;
8 Sections 11-23 (if punished as a Class 3 felony), 11-24,
9 11-25, and 11-26 of the Criminal Code of 1961 or the
10 Criminal Code of 2012; and Sections 11-1.20, 11-1.30,
11 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1,
12 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished
13 pursuant to subdivision (4) or (5) of subsection (d) of
14 Section 26-4) of the Criminal Code of 1961 or the Criminal
15 Code of 2012.

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

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

22 (b) Whenever the holder of any license issued pursuant to
23 this Article or applicant for a license to be issued pursuant
24 to this Article has been convicted of any drug ~~sex offense or~~
25 ~~narcotics~~ offense, other than as provided in subsection (c) of
26 this Section, the State Superintendent of Education shall

1 forthwith suspend the license or deny the application,
2 whichever is applicable, until 7 years following the end of the
3 sentence for the criminal offense. If the conviction is
4 reversed and the holder is acquitted of the offense in a new
5 trial or the charges against him or her are dismissed, the
6 State Superintendent of Education shall forthwith terminate
7 the suspension of the license. ~~When the conviction becomes~~
8 ~~final, the State Superintendent of Education shall forthwith~~
9 ~~revoke the license.~~

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

1 (Source: P.A. 99-58, eff. 7-16-15.)

2 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

3 Sec. 34-18.5. Criminal history records checks and checks of
4 the Statewide Sex Offender Database and Statewide Murderer and
5 Violent Offender Against Youth Database.

6 (a) Certified and noncertified applicants for employment
7 with the school district 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,
20 forever and hereinafter, until expunged, to the president of
21 the school board for the school district that requested the
22 check, or to the regional superintendent who requested the
23 check. The Department shall charge the school district or the
24 appropriate regional superintendent a fee for conducting such
25 check, which fee shall be deposited in the State Police
26 Services Fund and shall not exceed the cost of the inquiry; and

1 the applicant shall not be charged a fee for such check by the
2 school district or by the regional superintendent. Subject to
3 appropriations for these purposes, the State Superintendent of
4 Education shall reimburse the school district and regional
5 superintendent for fees paid to obtain criminal history records
6 checks under this 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) of this Section or
15 has not been convicted, within 7 years of the application for
16 employment with the school district, of any other felony under
17 the laws of this State or of any offense committed or attempted
18 in any other state or against the laws of the United States
19 that, if 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) of this Section or has not been
3 convicted, within 7 years of the application for employment
4 with the school district, of any other felony under the laws of
5 this State or of any offense committed or attempted in any
6 other state or against the laws of the United States that, if
7 committed or attempted in this State, would have been
8 punishable as a felony under the laws of this State and
9 evidencing that as of the date that the regional superintendent
10 conducted a check of the Statewide Sex Offender Database, the
11 applicant has not been identified in the Database as a sex
12 offender. The school board of any school district may rely on
13 the certificate issued by any regional superintendent to that
14 substitute teacher, concurrent part-time teacher, or
15 concurrent educational support personnel employee or may
16 initiate its own criminal history records check of the
17 applicant through the Department of State Police and its own
18 check of the Statewide Sex Offender Database as provided in
19 subsection (a). Any unauthorized release of confidential
20 information may be a violation of Section 7 of the Criminal
21 Identification Act.

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

1 the perpetrator of sexual or physical abuse of any minor under
2 18 years of age pursuant to proceedings under Article II of the
3 Juvenile Court Act of 1987.

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

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

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

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

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

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

10 (f-5) Upon request of a school or school district, any
11 information obtained by the school district pursuant to
12 subsection (f) of this Section within the last year must be
13 made available to the requesting school or school district.

14 (g) Prior to the commencement of any student teaching
15 experience or required internship (which is referred to as
16 student teaching in this Section) in the public schools, a
17 student teacher is required to authorize a fingerprint-based
18 criminal history records check. Authorization for and payment
19 of the costs of the check must be furnished by the student
20 teacher to the school district. Upon receipt of this
21 authorization and payment, the school district shall submit the
22 student teacher's name, sex, race, date of birth, social
23 security number, fingerprint images, and other identifiers, as
24 prescribed by the Department of State Police, to the Department
25 of State Police. The Department of State Police and the Federal
26 Bureau of Investigation shall furnish, pursuant to a

1 fingerprint-based criminal history records check, records of
2 convictions, forever and hereinafter, until expunged, to the
3 president of the board. The Department shall charge the school
4 district a fee for conducting the check, which fee must not
5 exceed the cost of the inquiry and must be deposited into the
6 State Police Services Fund. The school district shall further
7 perform a check of the Statewide Sex Offender Database, as
8 authorized by the Sex Offender Community Notification Law, and
9 of the Statewide Murderer and Violent Offender Against Youth
10 Database, as authorized by the Murderer and Violent Offender
11 Against Youth Registration Act, for each student teacher. The
12 board may not knowingly allow a person to student teach for
13 whom a criminal history records check, a Statewide Sex Offender
14 Database check, and a Statewide Murderer and Violent Offender
15 Against Youth Database check have not been completed and
16 reviewed by the district.

17 A copy of the record of convictions obtained from the
18 Department of State Police must be provided to the student
19 teacher. Any information concerning the record of convictions
20 obtained by the president of the board is confidential and may
21 only be transmitted to the general superintendent of schools or
22 his or her designee, the State Superintendent of Education, the
23 State Educator Preparation and Licensure Board, or, for
24 clarification purposes, the Department of State Police or the
25 Statewide Sex Offender Database or Statewide Murderer and
26 Violent Offender Against Youth Database. Any unauthorized

1 release of confidential information may be a violation of
2 Section 7 of the Criminal Identification Act.

3 The board may not knowingly allow a person to student teach
4 who has been convicted of any offense that would subject him or
5 her to license suspension or revocation pursuant to Section
6 21B-80 of this Code or who has been found to be the perpetrator
7 of sexual or physical abuse of a minor under 18 years of age
8 pursuant to proceedings under Article II of the Juvenile Court
9 Act of 1987.

10 (h) (Blank).

11 (Source: P.A. 99-21, eff. 1-1-16.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.