



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6143

Introduced 2/11/2016, by Rep. Barbara Wheeler

#### SYNOPSIS AS INTRODUCED:

|                    |                            |
|--------------------|----------------------------|
| 105 ILCS 5/2-3.25o |                            |
| 105 ILCS 5/10-21.9 | from Ch. 122, par. 10-21.9 |
| 105 ILCS 5/34-18.5 | from Ch. 122, par. 34-18.5 |

Amends the School Code. Provides that the requirement that a student teacher undergo a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check does not apply to a student teacher who is already employed by a non-public school or school district as a non-licensed staff member and has already undergone such checks for that school or school district.

LRB099 16396 NHT 40729 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 2-3.25o, 10-21.9, and 34-18.5 as follows:

6 (105 ILCS 5/2-3.25o)

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

9 (a) Findings. The General Assembly finds and declares (i)  
10 that the Constitution of the State of Illinois provides that a  
11 "fundamental goal of the People of the State is the educational  
12 development of all persons to the limits of their capacities"  
13 and (ii) that the educational development of every school  
14 student serves the public purposes of the State. In order to  
15 ensure that all Illinois students and teachers have the  
16 opportunity to enroll and work in State-approved educational  
17 institutions and programs, the State Board of Education shall  
18 provide for the voluntary registration and recognition of  
19 non-public elementary and secondary schools.

20 (b) Registration. All non-public elementary and secondary  
21 schools in the State of Illinois may voluntarily register with  
22 the State Board of Education on an annual basis. Registration  
23 shall be completed in conformance with procedures prescribed by

1 the State Board of Education. Information required for  
2 registration shall include assurances of compliance (i) with  
3 federal and State laws regarding health examination and  
4 immunization, attendance, length of term, and  
5 nondiscrimination and (ii) with applicable fire and health  
6 safety requirements.

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

20 (c-5) Prohibition against recognition. A non-public  
21 elementary or secondary school may not obtain "Non-public  
22 School Recognition" status unless the school requires all  
23 certified and non-certified applicants for employment with the  
24 school, after July 1, 2007, to authorize a fingerprint-based  
25 criminal history records check as a condition of employment to  
26 determine if such applicants have been convicted of any of the

1 enumerated criminal or drug offenses set forth in Section  
2 21B-80 of this Code or have been convicted, within 7 years of  
3 the application for employment, of any other felony under the  
4 laws of this State or of any offense committed or attempted in  
5 any other state or against the laws of the United States that,  
6 if committed or attempted in this State, would have been  
7 punishable as a felony under the laws of this State.

8 Authorization for the check shall be furnished by the  
9 applicant to the school, except that if the applicant is a  
10 substitute teacher seeking employment in more than one  
11 non-public school, a teacher seeking concurrent part-time  
12 employment positions with more than one non-public school (as a  
13 reading specialist, special education teacher, or otherwise),  
14 or an educational support personnel employee seeking  
15 employment positions with more than one non-public school, then  
16 only one of the non-public schools employing the individual  
17 shall request the authorization. Upon receipt of this  
18 authorization, the non-public school shall submit the  
19 applicant's name, sex, race, date of birth, social security  
20 number, fingerprint images, and other identifiers, as  
21 prescribed by the Department of State Police, to the Department  
22 of State Police.

23 The Department of State Police and Federal Bureau of  
24 Investigation shall furnish, pursuant to a fingerprint-based  
25 criminal history records check, records of convictions,  
26 forever and hereafter, until expunged, to the president or

1 principal of the non-public school that requested the check.  
2 The Department of State Police shall charge that school a fee  
3 for conducting such check, which fee must be deposited into the  
4 State Police Services Fund and must not exceed the cost of the  
5 inquiry. Subject to appropriations for these purposes, the  
6 State Superintendent of Education shall reimburse non-public  
7 schools for fees paid to obtain criminal history records checks  
8 under this Section.

9 A non-public school may not obtain recognition status  
10 unless the school also performs a check of the Statewide Sex  
11 Offender Database, as authorized by the Sex Offender Community  
12 Notification Law, for each applicant for employment, after July  
13 1, 2007, to determine whether the applicant has been  
14 adjudicated a sex offender.

15 Any information concerning the record of convictions  
16 obtained by a non-public school's president or principal under  
17 this Section is confidential and may be disseminated only to  
18 the governing body of the non-public school or any other person  
19 necessary to the decision of hiring the applicant for  
20 employment. A copy of the record of convictions obtained from  
21 the Department of State Police shall be provided to the  
22 applicant for employment. Upon a check of the Statewide Sex  
23 Offender Database, the non-public school shall notify the  
24 applicant as to whether or not the applicant has been  
25 identified in the Sex Offender Database as a sex offender. Any  
26 information concerning the records of conviction obtained by

1 the non-public school's president or principal under this  
2 Section for a substitute teacher seeking employment in more  
3 than one non-public school, a teacher seeking concurrent  
4 part-time employment positions with more than one non-public  
5 school (as a reading specialist, special education teacher, or  
6 otherwise), or an educational support personnel employee  
7 seeking employment positions with more than one non-public  
8 school may be shared with another non-public school's principal  
9 or president to which the applicant seeks employment. Any  
10 unauthorized release of confidential information may be a  
11 violation of Section 7 of the Criminal Identification Act.

12 No non-public school may obtain recognition status that  
13 knowingly employs a person, hired after July 1, 2007, for whom  
14 a Department of State Police and Federal Bureau of  
15 Investigation fingerprint-based criminal history records check  
16 and a Statewide Sex Offender Database check has not been  
17 initiated or who has been convicted of any offense enumerated  
18 in Section 21B-80 of this Code or any offense committed or  
19 attempted in any other state or against the laws of the United  
20 States that, if committed or attempted in this State, would  
21 have been punishable as one or more of those offenses. No  
22 non-public school may obtain recognition status under this  
23 Section that knowingly employs a person who has been found to  
24 be the perpetrator of sexual or physical abuse of a minor under  
25 18 years of age pursuant to proceedings under Article II of the  
26 Juvenile Court Act of 1987.

1           In order to obtain recognition status under this Section, a  
2 non-public school must require compliance with the provisions  
3 of this subsection (c-5) from all employees of persons or firms  
4 holding contracts with the school, including, but not limited  
5 to, food service workers, school bus drivers, and other  
6 transportation employees, who have direct, daily contact with  
7 pupils. Any information concerning the records of conviction or  
8 identification as a sex offender of any such employee obtained  
9 by the non-public school principal or president must be  
10 promptly reported to the school's governing body.

11           Prior to the commencement of any student teaching  
12 experience or required internship (which is referred to as  
13 student teaching in this Section) in any non-public elementary  
14 or secondary school that has obtained or seeks to obtain  
15 recognition status under this Section, a student teacher is  
16 required to authorize a fingerprint-based criminal history  
17 records check. Authorization for and payment of the costs of  
18 the check must be furnished by the student teacher to the chief  
19 administrative officer of the non-public school where the  
20 student teaching is to be completed. Upon receipt of this  
21 authorization and payment, the chief administrative officer of  
22 the non-public school shall submit the student teacher's name,  
23 sex, race, date of birth, social security number, fingerprint  
24 images, and other identifiers, as prescribed by the Department  
25 of State Police, to the Department of State Police. The  
26 Department of State Police and the Federal Bureau of

1 Investigation shall furnish, pursuant to a fingerprint-based  
2 criminal history records check, records of convictions,  
3 forever and hereinafter, until expunged, to the chief  
4 administrative officer of the non-public school that requested  
5 the check. The Department of State Police shall charge the  
6 school a fee for conducting the check, which fee must be passed  
7 on to the student teacher, must not exceed the cost of the  
8 inquiry, and must be deposited into the State Police Services  
9 Fund. The school shall further perform a check of the Statewide  
10 Sex Offender Database, as authorized by the Sex Offender  
11 Community Notification Law, and of the Statewide Murderer and  
12 Violent Offender Against Youth Database, as authorized by the  
13 Murderer and Violent Offender Against Youth Registration Act,  
14 for each student teacher. No school that has obtained or seeks  
15 to obtain recognition status under this Section may knowingly  
16 allow a person to student teach for whom a criminal history  
17 records check, a Statewide Sex Offender Database check, and a  
18 Statewide Murderer and Violent Offender Against Youth Database  
19 check have not been completed and reviewed by the chief  
20 administrative officer of the non-public school. The  
21 requirements of this paragraph do not apply to a student  
22 teacher who is already employed by the school as a non-licensed  
23 staff member and has already undergone a criminal history  
24 records check, a Statewide Sex Offender Database check, and a  
25 Statewide Murderer and Violent Offender Against Youth Database  
26 check for that school as required under this Section.



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

14           No school that has obtained or seeks to obtain recognition  
15 status under this Section may knowingly allow a person to  
16 student teach who has been convicted of any offense that would  
17 subject him or her to license suspension or revocation pursuant  
18 to 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           (d) Public purposes. The provisions of this Section are in  
23 the public interest, for the public benefit, and serve secular  
24 public purposes.

25           (e) Definition. For purposes of this Section, a non-public  
26 school means any non-profit, non-home-based, and non-public

1 elementary or secondary school that is in compliance with Title  
2 VI of the Civil Rights Act of 1964 and attendance at which  
3 satisfies the requirements of Section 26-1 of this Code.

4 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

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

6 Sec. 10-21.9. Criminal history records checks and checks of  
7 the Statewide Sex Offender Database and Statewide Murderer and  
8 Violent Offender Against Youth Database.

9 (a) Certified and noncertified applicants for employment  
10 with a school district, except school bus driver applicants,  
11 are required as a condition of employment to authorize a  
12 fingerprint-based criminal history records check to determine  
13 if such applicants have been convicted of any of the enumerated  
14 criminal or drug offenses in subsection (c) of this Section or  
15 have 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.  
21 Authorization for the check shall be furnished by the applicant  
22 to the school district, except that if the applicant is a  
23 substitute teacher seeking employment in more than one school  
24 district, a teacher seeking concurrent part-time employment  
25 positions with more than one school district (as a reading

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

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

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

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

22 (b) Any information concerning the record of convictions  
23 obtained by the president of the school board or the regional  
24 superintendent shall be confidential and may only be  
25 transmitted to the superintendent of the school district or his  
26 designee, the appropriate regional superintendent if the check

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

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

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

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

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

17 (e-5) The superintendent of the employing school board  
18 shall, in writing, notify the State Superintendent of Education  
19 and the applicable regional superintendent of schools of any  
20 certificate holder whom he or she has reasonable cause to  
21 believe has committed an intentional act of abuse or neglect  
22 with the result of making a child an abused child or a  
23 neglected child, as defined in Section 3 of the Abused and  
24 Neglected Child Reporting Act, and that act resulted in the  
25 certificate holder's dismissal or resignation from the school  
26 district. This notification must be submitted within 30 days

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

21 (f) After January 1, 1990 the provisions of this Section  
22 shall apply to all employees of persons or firms holding  
23 contracts with any school district including, but not limited  
24 to, food service workers, school bus drivers and other  
25 transportation employees, who have direct, daily contact with  
26 the pupils of any school in such district. For purposes of



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

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

20 (g) Prior to the commencement of any student teaching  
21 experience or required internship (which is referred to as  
22 student teaching in this Section) in the public schools, a  
23 student teacher is required to authorize a fingerprint-based  
24 criminal history records check. Authorization for and payment  
25 of the costs of the check must be furnished by the student  
26 teacher to the school district where the student teaching is to

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

1 undergone a criminal history records check, a Statewide Sex  
2 Offender Database check, and a Statewide Murderer and Violent  
3 Offender Against Youth Database check for that school district  
4 as required under this Section.

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

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

24 (h) (Blank).

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

1 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

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

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

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

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

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

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

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

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

19 (c) The board of education shall not knowingly employ a  
20 person who has been convicted of any offense that would subject  
21 him or her to license suspension or revocation pursuant to  
22 Section 21B-80 of this Code. Further, the board of education  
23 shall not knowingly employ a person who has been found to be  
24 the perpetrator of sexual or physical abuse of any minor under  
25 18 years of age pursuant to proceedings under Article II of the  
26 Juvenile Court Act of 1987.



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

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

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

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

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

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

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

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

1 district a fee for conducting the check, which fee must not  
2 exceed the cost of the inquiry and must be deposited into the  
3 State Police Services Fund. The school district shall further  
4 perform a check of the Statewide Sex Offender Database, as  
5 authorized by the Sex Offender Community Notification Law, and  
6 of the Statewide Murderer and Violent Offender Against Youth  
7 Database, as authorized by the Murderer and Violent Offender  
8 Against Youth Registration Act, for each student teacher. The  
9 board may not knowingly allow a person to student teach for  
10 whom a criminal history records check, a Statewide Sex Offender  
11 Database check, and a Statewide Murderer and Violent Offender  
12 Against Youth Database check have not been completed and  
13 reviewed by the district. The requirements of this paragraph do  
14 not apply to a student teacher who is already employed by the  
15 school district as a non-licensed staff member and has already  
16 undergone a criminal history records check, a Statewide Sex  
17 Offender Database check, and a Statewide Murderer and Violent  
18 Offender Against Youth Database check for the school district  
19 as required under this Section.

20 A copy of the record of convictions obtained from the  
21 Department of State Police must be provided to the student  
22 teacher. Any information concerning the record of convictions  
23 obtained by the president of the board is confidential and may  
24 only be transmitted to the general superintendent of schools or  
25 his or her designee, the State Superintendent of Education, the  
26 State Educator Preparation and Licensure Board, or, for

1 clarification purposes, the Department of State Police or the  
2 Statewide Sex Offender Database or Statewide Murderer and  
3 Violent Offender Against Youth Database. Any unauthorized  
4 release of confidential information may be a violation of  
5 Section 7 of the Criminal Identification Act.

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

13 (h) (Blank).

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