



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0706

Introduced 2/3/2015, by Sen. Bill Cunningham

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. In provisions concerning the registration and recognition of non-public elementary and secondary schools, (i) changes a statutory reference, (ii) makes changes concerning the release of criminal history record information concerning an applicant for employment, (iii) requires a student teacher, prior to the commencement of any student teaching experience (or required internship) in a school, to authorize a fingerprint-based criminal history records check, and (iv) requires a school to perform a check of the Statewide Sex Offender Database and of the Statewide Murderer and Violent Offender Against Youth Database for each student teacher. In provisions concerning criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database for applicants for employment with a school district, (i) requires the Department of State Police and the Federal Bureau of Investigation to furnish records of convictions forever and hereinafter (until expunged), (ii) makes changes concerning the release of confidential information concerning criminal convictions, (iii) provides that information obtained by a school district within the last year with respect to employees of persons or firms holding contracts with the school district must be made available to a requesting school or school district (instead of to a requesting school, school district, community college district, or private school), and (iv) makes changes concerning checks for student teachers.

LRB099 03404 NHT 23763 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 ~~21-23a~~ of this Code or have been convicted, within 7
3 years of the application for employment, of any other felony
4 under the laws of this State or of any offense committed or
5 attempted in any other state or against the laws of the United
6 States that, if committed or attempted in this State, would
7 have been 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. Any
12 ~~person who releases any criminal history record information~~
13 ~~concerning an applicant for employment is guilty of a Class A~~
14 ~~misdemeanor and may be subject to prosecution under federal~~
15 ~~law, unless the release of such information is authorized by~~
16 ~~this Section.~~

17 No non-public school may obtain recognition status that
18 knowingly employs a person, hired after July 1, 2007, for whom
19 a Department of State Police and Federal Bureau of
20 Investigation fingerprint-based criminal history records check
21 and a Statewide Sex Offender Database check has not been
22 initiated or who has been convicted of any offense enumerated
23 in Section 21B-80 of this Code or any offense committed or
24 attempted in any other state or against the laws of the United
25 States that, if committed or attempted in this State, would
26 have been punishable as one or more of those offenses. No

1 non-public school may obtain recognition status under this
2 Section that knowingly employs a person who has been found to
3 be the perpetrator of sexual or physical abuse of a minor under
4 18 years of age pursuant to proceedings under Article II of the
5 Juvenile Court Act of 1987.

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

16 Prior to the commencement of any student teaching
17 experience or required internship (which is referred to as
18 student teaching in this Section) in any non-public elementary
19 or secondary school that has obtained or seeks to obtain
20 recognition status under this Section, a student teacher is
21 required to authorize a fingerprint-based criminal history
22 records check. Authorization for and payment of the costs of
23 the check must be furnished by the student teacher to the chief
24 administrative officer of the non-public school where the
25 student teaching is to be completed. Upon receipt of this
26 authorization and payment, the chief administrative officer of

1 the non-public school shall submit the student teacher's name,
2 sex, race, date of birth, social security number, fingerprint
3 images, and other identifiers, as prescribed by the Department
4 of State Police, to the Department of State Police. 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,
8 forever and hereinafter, until expunged, to the chief
9 administrative officer of the non-public school that requested
10 the check. The Department of State Police shall charge the
11 school a fee for conducting the check, which fee must be passed
12 on to the student teacher, must not exceed the cost of the
13 inquiry, and must be deposited into the State Police Services
14 Fund. The school shall further perform a check of the Statewide
15 Sex Offender Database, as authorized by the Sex Offender
16 Community Notification Law, and of the Statewide Murderer and
17 Violent Offender Against Youth Database, as authorized by the
18 Murderer and Violent Offender Against Youth Registration Act,
19 for each student teacher. No school that has obtained or seeks
20 to obtain recognition status under this Section may knowingly
21 allow a person to student teach for whom a criminal history
22 records check, a Statewide Sex Offender Database check, and a
23 Statewide Murderer and Violent Offender Against Youth Database
24 check have not been completed and reviewed by the chief
25 administrative officer of the non-public school.

26 A copy of the record of convictions obtained from the

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

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

21 (d) Public purposes. The provisions of this Section are in
22 the public interest, for the public benefit, and serve secular
23 public purposes.

24 (e) Definition. For purposes of this Section, a non-public
25 school means any non-profit, non-home-based, and non-public
26 elementary or secondary school that is in compliance with Title

1 VI of the Civil Rights Act of 1964 and attendance at which
2 satisfies the requirements of Section 26-1 of this Code.

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

4 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

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

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

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

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

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

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

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

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

1 ~~convictions of an applicant for employment shall be guilty of a~~
2 ~~Class A misdemeanor, unless the release of such information is~~
3 ~~authorized by this Section.~~

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

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

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

20 (e-5) The superintendent of the employing school board
21 shall, in writing, notify the State Superintendent of Education
22 and the applicable regional superintendent of schools of any
23 certificate holder whom he or she has reasonable cause to
24 believe has committed an intentional act of abuse or neglect
25 with the result of making a child an abused child or a
26 neglected child, as defined in Section 3 of the Abused and

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

24 (f) After January 1, 1990 the provisions of this Section
25 shall apply to all employees of persons or firms holding
26 contracts with any school district including, but not limited

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

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

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

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

1 student teach for whom a criminal history records check, a
2 Statewide Sex Offender Database check, and a Statewide Murderer
3 and Violent Offender Against Youth Database check have not been
4 completed and reviewed by the district. Results of the checks
5 must be furnished to the higher education institution where the
6 student teacher is enrolled and the superintendent of the
7 school district where the student is assigned.

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

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

1 (h) (Blank). ~~Upon request of a school, school district,~~
2 ~~community college district, or private school, any information~~
3 ~~obtained by a school district pursuant to subsection (f) of~~
4 ~~this Section within the last year must be made available to~~
5 ~~that school, school district, community college district, or~~
6 ~~private school.~~

7 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
8 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;
9 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

10 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

11 Sec. 34-18.5. Criminal history records checks and checks of
12 the Statewide Sex Offender Database and Statewide Murderer and
13 Violent Offender Against Youth Database.

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

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

1 criminal history records check, records of convictions,
2 forever and hereinafter, until expunged, to the president of
3 the school board for the school district that requested the
4 check, or to the regional superintendent who requested the
5 check. The Department shall charge the school district or the
6 appropriate regional superintendent a fee for conducting such
7 check, which fee shall be deposited in the State Police
8 Services Fund and shall not exceed the cost of the inquiry; and
9 the applicant shall not be charged a fee for such check by the
10 school district or by the regional superintendent. Subject to
11 appropriations for these purposes, the State Superintendent of
12 Education shall reimburse the school district and regional
13 superintendent for fees paid to obtain criminal history records
14 checks under this Section.

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

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

24 (b) Any information concerning the record of convictions
25 obtained by the president of the board of education or the
26 regional superintendent shall be confidential and may only be

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

1 committed or attempted in this State, would have been
2 punishable as a felony under the laws of this State and so
3 notifies the regional superintendent and if the regional
4 superintendent upon a check ascertains that the applicant has
5 not been identified in the Sex Offender Database as a sex
6 offender, then the regional superintendent shall issue to the
7 applicant a certificate evidencing that as of the date
8 specified by the Department of State Police the applicant has
9 not been convicted of any of the enumerated criminal or drug
10 offenses in subsection (c) or has not 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 and evidencing that as of the date
17 that the regional superintendent conducted a check of the
18 Statewide Sex Offender Database, the applicant has not been
19 identified in the Database as a sex offender. The school board
20 of any school district may rely on the certificate issued by
21 any regional superintendent to that substitute teacher,
22 concurrent part-time teacher, or concurrent educational
23 support personnel employee or may initiate its own criminal
24 history records check of the applicant through the Department
25 of State Police and its own check of the Statewide Sex Offender
26 Database as provided in subsection (a). Any unauthorized

1 release of confidential information may be a violation of
2 Section 7 of the Criminal Identification Act. Any person who
3 releases any confidential information concerning any criminal
4 convictions of an applicant for employment shall be guilty of a
5 Class A misdemeanor, unless the release of such information is
6 authorized by this Section.

7 (c) The board of education shall not knowingly employ a
8 person who has been convicted of any offense that would subject
9 him or her to license suspension or revocation pursuant to
10 Section 21B-80 of this Code. Further, the board of education
11 shall not knowingly employ a person who has been found to be
12 the perpetrator of sexual or physical abuse of any minor under
13 18 years of age pursuant to proceedings under Article II of the
14 Juvenile Court Act of 1987.

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

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

24 (e-5) The general superintendent of schools shall, in
25 writing, notify the State Superintendent of Education of any
26 certificate holder whom he or she has reasonable cause to

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

26 (f) After March 19, 1990, the provisions of this Section

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

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

25 (g) Prior to the commencement of any student teaching
26 experience or required internship (which is referred to as

1 student teaching in this Section) ~~In order to student teach~~ in
2 the public schools, a student teacher ~~person~~ is required to
3 authorize a fingerprint-based criminal history records check
4 ~~and checks of the Statewide Sex Offender Database and Statewide~~
5 ~~Murderer and Violent Offender Against Youth Database prior to~~
6 ~~participating in any field experiences in the public schools.~~
7 Authorization for and payment of the costs of the check ~~checks~~
8 must be furnished by the student teacher to the school
9 district. Upon receipt of this authorization and payment, the
10 school district shall submit the student teacher's name, sex,
11 race, date of birth, social security number, fingerprint
12 images, and other identifiers, as prescribed by the Department
13 of State Police, to the Department of State Police. The
14 Department of State Police and the Federal Bureau of
15 Investigation shall furnish, pursuant to a fingerprint-based
16 criminal history records check, records of convictions,
17 forever and hereinafter, until expunged, to the president of
18 the board. The Department shall charge the school district a
19 fee for conducting the check, which fee must not exceed the
20 cost of the inquiry and must be deposited into the State Police
21 Services Fund. The school district shall further perform a
22 check of the Statewide Sex Offender Database, as authorized by
23 the Sex Offender Community Notification Law, and of the
24 Statewide Murderer and Violent Offender Against Youth
25 Database, as authorized by the Murderer and Violent Offender
26 Against Youth Registration Act, for each student teacher. The

1 board may not knowingly allow a person to student teach for
2 whom a criminal history records check, a Statewide Sex Offender
3 Database check, and a Statewide Murderer and Violent Offender
4 Against Youth Database check have not been completed and
5 reviewed by the district. Results of the checks must be
6 furnished to the higher education institution where the student
7 teacher is enrolled and the general superintendent of schools.

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

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

1 (h) (Blank). ~~Upon request of a school, school district,~~
2 ~~community college district, or private school, any information~~
3 ~~obtained by the school district pursuant to subsection (f) of~~
4 ~~this Section within the last year must be made available to~~
5 ~~that school, school district, community college district, or~~
6 ~~private school.~~

7 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
8 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;
9 97-813, eff. 7-13-12.)