



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5556

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

| | |
|------------------------|----------------------------|
| 105 ILCS 5/2-3.25o | |
| 105 ILCS 5/10-21.9 | from Ch. 122, par. 10-21.9 |
| 105 ILCS 5/21B-110 new | |
| 105 ILCS 5/34-18.5 | from Ch. 122, par. 34-18.5 |

Amends the School Code. With respect to the requirement that a student teacher authorize a fingerprint-based criminal history records check prior to the commencement of any student teaching experience or required internship, provides for the authorization to be made to and the student teacher's information to be submitted by the educator preparation institution at which the student teacher is enrolled (instead of the school district or non-public school where the student teaching is to be completed). Makes related changes.

LRB100 20799 NHT 36289 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 and by adding Section 21B-110 as
6 follows:

7 (105 ILCS 5/2-3.25o)

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

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

21 (b) Registration. All non-public elementary and secondary
22 schools in the State of Illinois may voluntarily register with
23 the State Board of Education on an annual basis. Registration

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

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

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

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

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

24 The Department of State Police and Federal Bureau of
25 Investigation shall furnish, pursuant to a fingerprint-based
26 criminal history records check, records of convictions,

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

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

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

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

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

1 Juvenile Court Act of 1987.

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

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

1 ~~Department of State Police and the Federal Bureau of~~
2 ~~Investigation shall furnish, pursuant to a fingerprint-based~~
3 ~~criminal history records check, records of convictions,~~
4 ~~forever and hereinafter, until expunged, to the chief~~
5 ~~administrative officer of the non public school that requested~~
6 ~~the check. The Department of State Police shall charge the~~
7 ~~school a fee for conducting the check, which fee must be passed~~
8 ~~on to the student teacher, must not exceed the cost of the~~
9 ~~inquiry, and must be deposited into the State Police Services~~
10 ~~Fund. The school shall further perform a check of the Statewide~~
11 ~~Sex Offender Database, as authorized by the Sex Offender~~
12 ~~Community Notification Law, and of the Statewide Murderer and~~
13 ~~Violent Offender Against Youth Database, as authorized by the~~
14 ~~Murderer and Violent Offender Against Youth Registration Act,~~
15 ~~for each student teacher. No school that has obtained or seeks~~
16 ~~to obtain recognition status under this Section may knowingly~~
17 ~~allow a person to student teach for whom a criminal history~~
18 ~~records check, a Statewide Sex Offender Database check, and a~~
19 ~~Statewide Murderer and Violent Offender Against Youth Database~~
20 ~~check have not been completed under Section 21B-110 of this~~
21 ~~Code and reviewed by the chief administrative officer of the~~
22 ~~non-public school.~~

23 ~~A copy of the record of convictions obtained from the~~
24 ~~Department of State Police must be provided to the student~~
25 ~~teacher. Any information concerning the record of convictions~~
26 ~~obtained by the chief administrative officer of the non public~~

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

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

18 (d) Public purposes. The provisions of this Section are in
19 the public interest, for the public benefit, and serve secular
20 public purposes.

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

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

1 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

2 Sec. 10-21.9. 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 a school district, except school bus driver applicants,
7 are required as a condition of employment to authorize a
8 fingerprint-based criminal history records check to determine
9 if such applicants have been convicted of any of the enumerated
10 criminal or drug offenses in subsection (c) of this Section or
11 have been convicted, within 7 years of the application for
12 employment with the school district, of any other felony under
13 the laws of this State or of any offense committed or attempted
14 in any other state or against the laws of the United States
15 that, if committed or attempted in this State, would have been
16 punishable as a felony under the laws of this State.
17 Authorization for the check shall be furnished by the applicant
18 to the school district, except that if the applicant is a
19 substitute teacher seeking employment in more than one school
20 district, a teacher seeking concurrent part-time employment
21 positions with more than one school district (as a reading
22 specialist, special education teacher or otherwise), or an
23 educational support personnel employee seeking employment
24 positions with more than one district, any such district may
25 require the applicant to furnish authorization for the check to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 ~~(g) Prior to the commencement of any student teaching~~
18 ~~experience or required internship (which is referred to as~~
19 ~~student teaching in this Section) in the public schools, a~~
20 ~~student teacher is required to authorize a fingerprint-based~~
21 ~~criminal history records check. Authorization for and payment~~
22 ~~of the costs of the check must be furnished by the student~~
23 ~~teacher to the school district where the student teaching is to~~
24 ~~be completed. Upon receipt of this authorization and payment,~~
25 ~~the school district shall submit the student teacher's name,~~
26 ~~sex, race, date of birth, social security number, fingerprint~~

1 ~~images, and other identifiers, as prescribed by the Department~~
2 ~~of State Police, to the Department of State Police. The~~
3 ~~Department of State Police and the Federal Bureau of~~
4 ~~Investigation shall furnish, pursuant to a fingerprint-based~~
5 ~~criminal history records check, records of convictions,~~
6 ~~forever and hereinafter, until expunged, to the president of~~
7 ~~the school board for the school district that requested the~~
8 ~~check. The Department shall charge the school district a fee~~
9 ~~for conducting the check, which fee must not exceed the cost of~~
10 ~~the inquiry and must be deposited into the State Police~~
11 ~~Services Fund. The school district shall further perform a~~
12 ~~check of the Statewide Sex Offender Database, as authorized by~~
13 ~~the Sex Offender Community Notification Law, and of the~~
14 ~~Statewide Murderer and Violent Offender Against Youth~~
15 ~~Database, as authorized by the Murderer and Violent Offender~~
16 ~~Against Youth Registration Act, for each student teacher. No~~
17 school board may knowingly allow a person to student teach for
18 whom a criminal history records check, a Statewide Sex Offender
19 Database check, and a Statewide Murderer and Violent Offender
20 Against Youth Database check have not been completed under
21 Section 21B-110 of this Code and reviewed by the district.

22 ~~A copy of the record of convictions obtained from the~~
23 ~~Department of State Police must be provided to the student~~
24 ~~teacher. Any information concerning the record of convictions~~
25 ~~obtained by the president of the school board is confidential~~
26 ~~and may only be transmitted to the superintendent of the school~~

~~district or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Department of State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.~~

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

(h) (Blank).

(Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

(105 ILCS 5/21B-110 new)

Sec. 21B-110. Student teacher criminal history records check.

(a) In this Section:

"Institution" means an educator preparation institution recognized by the State Board of Education under Section 21B-105 of this Code.

"School" means a public elementary or secondary school or a non-public elementary or secondary school that has obtained or

1 seeks to obtain recognition status under Section 2-3.25o of
2 this Code.

3 "Student teaching" includes practice teaching or a
4 required internship.

5 (b) Prior to the commencement of any student teaching
6 experience in a school, a student teacher is required to
7 authorize a fingerprint-based criminal history records check.
8 Authorization for and payment of the costs of the check must be
9 furnished by the student teacher to the institution at which
10 the student teacher is enrolled. Upon receipt of this
11 authorization and payment, the institution shall submit the
12 student teacher's name, sex, race, date of birth, social
13 security number, fingerprint images, and other identifiers, as
14 prescribed by the Department of State Police, to the Department
15 of State Police. The institution shall also indicate to whom
16 any records of convictions are to be furnished under subsection
17 (c) of this Section.

18 (c) The Department of State Police and the Federal Bureau
19 of Investigation shall furnish, pursuant to a
20 fingerprint-based criminal history records check, records of
21 convictions, forever and hereinafter, until expunged, to the
22 chief administrator of the institution's educator preparation
23 program, as well as to the president of the school board for
24 the school district or chief administrative officer of the
25 non-public school where the student teaching is to be
26 completed. The Department of State Police shall charge the

1 institution a fee for conducting the check, which fee must be
2 paid by the student teacher, must not exceed the cost of the
3 inquiry, and must be deposited into the State Police Services
4 Fund.

5 The institution shall further perform a check of the
6 Statewide Sex Offender Database, as authorized by the Sex
7 Offender Community Notification Law, and of the Statewide
8 Murderer and Violent Offender Against Youth Database, as
9 authorized by the Murderer and Violent Offender Against Youth
10 Registration Act, for each student teacher and inform the
11 president of the school board for the school district or chief
12 administrative officer of the non-public school of any results.

13 (d) A copy of the record of convictions obtained from the
14 Department of State Police must be provided to the student
15 teacher. Any information concerning the record of convictions
16 obtained by the chief administrator of the institution's
17 educator preparation program or the president of the school
18 board of the school district or chief administrative officer of
19 the non-public school is confidential and may be transmitted
20 only to a designee of the chief administrator of the
21 institution's educator preparation program, the superintendent
22 of the school district or his or her designee in the case of a
23 public school, a designee of the chief administrative officer
24 in the case of a non-public school, the State Superintendent of
25 Education, the State Educator Preparation and Licensure Board,
26 or, for clarification purposes, the Department of State Police

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

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

6 Sec. 34-18.5. 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 the school district are required as a condition of
11 employment to authorize a fingerprint-based criminal history
12 records check to determine if such applicants have been
13 convicted of any of the enumerated criminal or drug offenses in
14 subsection (c) of this Section or have been convicted, within 7
15 years of the application for employment with the school
16 district, of any other felony under the laws of this State or
17 of any offense committed or attempted in any other state or
18 against the laws of the United States that, if committed or
19 attempted in this State, would have been punishable as a felony
20 under the laws of this State. Authorization for the check shall
21 be furnished by the applicant to the school district, except
22 that if the applicant is a substitute teacher seeking
23 employment in more than one school district, or a teacher
24 seeking concurrent part-time employment positions with more
25 than one school district (as a reading specialist, special

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

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

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

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

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

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

25 (c) The board of education shall not knowingly employ a
26 person who has been convicted of any offense that would subject

1 him or her to license suspension or revocation pursuant to
2 Section 21B-80 of this Code. Further, the board of education
3 shall not knowingly employ a person who has been found to be
4 the perpetrator of sexual or physical abuse of any minor under
5 18 years of age pursuant to proceedings under Article II of the
6 Juvenile Court Act of 1987.

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

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

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

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

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

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

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

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

1 ~~prescribed by the Department of State Police, to the Department~~
2 ~~of State Police. The Department of State Police and the Federal~~
3 ~~Bureau of Investigation shall furnish, pursuant to a~~
4 ~~fingerprint-based criminal history records check, records of~~
5 ~~convictions, forever and hereinafter, until expunged, to the~~
6 ~~president of the board. The Department shall charge the school~~
7 ~~district a fee for conducting the check, which fee must not~~
8 ~~exceed the cost of the inquiry and must be deposited into the~~
9 ~~State Police Services Fund. The school district shall further~~
10 ~~perform a check of the Statewide Sex Offender Database, as~~
11 ~~authorized by the Sex Offender Community Notification Law, and~~
12 ~~of the Statewide Murderer and Violent Offender Against Youth~~
13 ~~Database, as authorized by the Murderer and Violent Offender~~
14 ~~Against Youth Registration Act, for each student teacher. The~~
15 board may not knowingly allow a person to student teach for
16 whom a criminal history records check, a Statewide Sex Offender
17 Database check, and a Statewide Murderer and Violent Offender
18 Against Youth Database check have not been completed under
19 Section 21B-110 of this Code and reviewed by the district.

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; 99-667, eff. 7-29-16.)