

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 10-21.9 and 34-18.5 as follows:

6 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

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

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, a teacher seeking  
4 concurrent part-time employment positions with more than one  
5 school district (as a reading specialist, special education  
6 teacher or otherwise), or an educational support personnel  
7 employee seeking employment positions with more than one  
8 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, until  
2 expunged, to the president of the school board for the school  
3 district that requested the check, or to the regional  
4 superintendent who requested the check. The Department shall  
5 charge the school district or the appropriate regional  
6 superintendent a fee for conducting such check, which fee shall  
7 be deposited in the State Police Services Fund and shall not  
8 exceed the cost of the inquiry; and the applicant shall not be  
9 charged a fee for such check by the school district or by the  
10 regional superintendent, except that those applicants seeking  
11 employment as a substitute teacher with a school district may  
12 be charged a fee not to exceed the cost of the inquiry. Subject  
13 to appropriations for these purposes, the State Superintendent  
14 of Education shall reimburse school districts and regional  
15 superintendents for fees paid to obtain criminal history  
16 records checks under this Section.

17 The requirements of this subsection (a) do not apply to a  
18 certified or licensed teacher who has retired from employment  
19 with a school district and is again applying for employment  
20 with a school district as a teacher if that person (i)  
21 submitted to a fingerprint-based criminal history records  
22 check as a condition of employment with a school district  
23 within the last 10 years, as of the date of application, and  
24 (ii) signs an affidavit stating that he or she has not been  
25 convicted of any crime since that check was performed, which  
26 affidavit shall be in a form as determined by the State Board

1 of Education and filed with the school district.

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

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

11 (b) Any information concerning the record of convictions  
12 obtained by the president of the school board or the regional  
13 superintendent shall be confidential and may only be  
14 transmitted to the superintendent of the school district or his  
15 designee, the appropriate regional superintendent if the check  
16 was requested by the school district, the presidents of the  
17 appropriate school boards if the check was requested from the  
18 Department of State Police by the regional superintendent, the  
19 State Superintendent of Education, the State Educator  
20 Preparation and Licensure ~~Teacher Certification~~ Board, any  
21 other person necessary to the decision of hiring the applicant  
22 for employment, or for clarification purposes the Department of  
23 State Police or Statewide Sex Offender Database, or both. A  
24 copy of the record of convictions obtained from the Department  
25 of State Police shall be provided to the applicant for  
26 employment. Upon the check of the Statewide Sex Offender

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

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

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

25 (d) No school board shall knowingly employ a person for  
26 whom a criminal history records check and a Statewide Sex

1 Offender Database check has not been initiated.

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

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

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

14 (f) After January 1, 1990 the provisions of this Section  
15 shall apply to all employees of persons or firms holding  
16 contracts with any school district including, but not limited  
17 to, food service workers, school bus drivers and other  
18 transportation employees, who have direct, daily contact with  
19 the pupils of any school in such district. For purposes of  
20 criminal history records checks and checks of the Statewide Sex  
21 Offender Database on employees of persons or firms holding  
22 contracts with more than one school district and assigned to  
23 more than one school district, the regional superintendent of  
24 the educational service region in which the contracting school  
25 districts are located may, at the request of any such school  
26 district, be responsible for receiving the authorization for a



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

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

20 (h) Upon request of a school, school district, community  
21 college district, or private school, any information obtained  
22 by a school district pursuant to subsection (f) of this Section  
23 within the last year must be made available to that school,  
24 school district, community college district, or private  
25 school.

26 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;

1 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;  
2 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

3 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

7 (a) Except as otherwise provided in this subsection (a),  
8 certified ~~Certified~~ and noncertified or licensed and  
9 unlicensed applicants for employment with the school district  
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, or 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, until  
22 expunged, to the president of the school board for the school  
23 district that requested the check, or to the regional  
24 superintendent who requested the check. The Department shall  
25 charge the school district or the appropriate regional  
26 superintendent a fee for conducting such check, which fee shall

1 be deposited in the State Police Services Fund and shall not  
2 exceed the cost of the inquiry; and the applicant shall not be  
3 charged a fee for such check by the school district or by the  
4 regional superintendent. Subject to appropriations for these  
5 purposes, the State Superintendent of Education shall  
6 reimburse the school district and regional superintendent for  
7 fees paid to obtain criminal history records checks under this  
8 Section.

9 The requirements of this subsection (a) do not apply to a  
10 certified or licensed teacher who has retired from employment  
11 with a school district and is again applying for employment  
12 with a school district as a teacher if that person (i)  
13 submitted to a fingerprint-based criminal history records  
14 check as a condition of employment with a school district  
15 within the last 10 years, as of the date of application, and  
16 (ii) signs an affidavit stating that he or she has not been  
17 convicted of any crime since that check was performed, which  
18 affidavit shall be in a form as determined by the State Board  
19 of Education and filed with the school district.

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

24 (a-6) The school district or regional superintendent shall  
25 further perform a check of the Statewide Murderer and Violent  
26 Offender Against Youth Database, as authorized by the Murderer

1 and Violent Offender Against Youth Community Notification Law,  
2 for each applicant.

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

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

1 concurrent part-time teacher, or concurrent educational  
2 support personnel employee or may initiate its own criminal  
3 history records check of the applicant through the Department  
4 of State Police and its own check of the Statewide Sex Offender  
5 Database as provided in subsection (a). Any person who releases  
6 any confidential information concerning any criminal  
7 convictions of an applicant for employment shall be guilty of a  
8 Class A misdemeanor, unless the release of such information is  
9 authorized by this Section.

10 (c) The board of education shall not knowingly employ a  
11 person who has been convicted of any offense that would subject  
12 him or her to license suspension or revocation pursuant to  
13 Section 21B-80 of this Code. Further, the board of education  
14 shall not knowingly employ a person who has been found to be  
15 the perpetrator of sexual or physical abuse of any minor under  
16 18 years of age pursuant to proceedings under Article II of the  
17 Juvenile Court Act of 1987.

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

21 (e) Upon receipt of the record of a conviction of or a  
22 finding of child abuse by a holder of any certificate issued  
23 pursuant to Article 21 or Section 34-8.1 or 34-83 of this the  
24 School Code or any license issued pursuant to Article 21B of  
25 this Code, the State Superintendent of Education may initiate  
26 certificate or license suspension and revocation proceedings

1 as authorized by law.

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



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

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

26 (g) In order to student teach in the public schools, a

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

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

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