



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0494

by Rep. Kelly M. Cassidy

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-80	
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5

Amends the School Code. In provisions requiring a criminal history records check to be performed with regard to applicants for employment with a school district or non-public school and whether those applicants may be employed, makes changes concerning the types of convictions checked for and when those convictions occurred. In provisions concerning the conviction of certain offenses as grounds for revocation of an educator license, changes the definitions of "narcotics offense" and "sex offense". Effective immediately.

LRB099 04171 NHT 24192 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, 21B-80, 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 sex

1 offense as defined in subsection (a) of Section 21B-80 of this
2 Code, have been convicted of any narcotics offense as defined
3 in subsection (a) of Section 21B-80 of this Code within 5 years
4 of the application for employment, ~~of the enumerated criminal~~
5 ~~or drug offenses set forth in Section 21-23a of this Code~~ or
6 have been convicted, within 2 7 years of the application for
7 employment, of any other felony under the laws of this State or
8 of any offense committed or attempted in any other state or
9 against the laws of the United States that, if committed or
10 attempted in this State, would have been punishable as a felony
11 under the laws of this State.

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

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

13 A non-public school may not obtain recognition status
14 unless the school also performs a check of the Statewide Sex
15 Offender Database, as authorized by the Sex Offender Community
16 Notification Law, for each applicant for employment, after July
17 1, 2007, to determine whether the applicant has been
18 adjudicated a sex offender.

19 Any information concerning the record of convictions
20 obtained by a non-public school's president or principal under
21 this Section is confidential and may be disseminated only to
22 the governing body of the non-public school or any other person
23 necessary to the decision of hiring the applicant for
24 employment. A copy of the record of convictions obtained from
25 the Department of State Police shall be provided to the
26 applicant for employment. Upon a check of the Statewide Sex

1 Offender Database, the non-public school shall notify the
2 applicant as to whether or not the applicant has been
3 identified in the Sex Offender Database as a sex offender. Any
4 information concerning the records of conviction obtained by
5 the non-public school's president or principal under this
6 Section for a substitute teacher seeking employment in more
7 than one non-public school, a teacher seeking concurrent
8 part-time employment positions with more than one non-public
9 school (as a reading specialist, special education teacher, or
10 otherwise), or an educational support personnel employee
11 seeking employment positions with more than one non-public
12 school may be shared with another non-public school's principal
13 or president to which the applicant seeks employment. Any
14 person who releases any criminal history record information
15 concerning an applicant for employment is guilty of a Class A
16 misdemeanor and may be subject to prosecution under federal
17 law, unless the release of such information is authorized by
18 this Section.

19 No non-public school may obtain recognition status that
20 knowingly employs a person, hired after July 1, 2007, for whom
21 a Department of State Police and Federal Bureau of
22 Investigation fingerprint-based criminal history records check
23 and a Statewide Sex Offender Database check has not been
24 initiated or who has been convicted of any sex offense as
25 defined in subsection (a) of Section 21B-80 of this Code, has
26 been convicted of any narcotics offense as defined in

1 subsection (a) of Section 21B-80 of this Code within 5 years of
2 the application for employment, or has been convicted of
3 ~~offense enumerated in Section 21B-80 of this Code or any~~
4 offense committed or attempted in any other state or against
5 the laws of the United States that, if committed or attempted
6 in this State, would have been punishable as one or more of
7 those offenses. No non-public school may obtain recognition
8 status under this Section that knowingly employs a person who
9 has been found to be the perpetrator of sexual or physical
10 abuse of a minor under 18 years of age pursuant to proceedings
11 under Article II of the Juvenile Court Act of 1987.

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

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

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

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

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

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

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

9 (a) Certified and noncertified applicants for employment
10 with a school district, except school bus driver applicants,
11 are required as a condition of employment to authorize a
12 fingerprint-based criminal history records check to determine
13 if such applicants have been convicted of any of the enumerated
14 criminal offenses in subsection (c) of this Section, have been
15 convicted of any of the enumerated ~~or~~ drug offenses in
16 subsection (c) of this Section within 5 years of the
17 application for employment with the school district, or have
18 been convicted, within 2 ~~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.
24 Authorization for the check shall be furnished by the applicant
25 to the school district, except that if the applicant is a

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

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

1 transmitted to the superintendent of the school district or his
2 designee, the appropriate regional superintendent if the check
3 was requested by the school district, the presidents of the
4 appropriate school boards if the check was requested from the
5 Department of State Police by the regional superintendent, the
6 State Superintendent of Education, the State Teacher
7 Certification Board, any other person necessary to the decision
8 of hiring the applicant for employment, or for clarification
9 purposes the Department of State Police or Statewide Sex
10 Offender Database, or both. A copy of the record of convictions
11 obtained from the Department of State Police shall be provided
12 to the applicant for employment. Upon the check of the
13 Statewide Sex Offender Database, the school district or
14 regional superintendent shall notify an applicant as to whether
15 or not the applicant has been identified in the Database as a
16 sex 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 offenses in subsection (c) of this Section, has not
23 been convicted of any of the enumerated ~~or~~ drug offenses in
24 subsection (c) of this Section within 5 years of the
25 application for employment with the school district, or has not
26 been convicted, within 2 ~~7~~ years of the application for

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

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

11 (c) No school board shall knowingly employ a person who has
12 been convicted of any sex offense as defined in subsection (a)
13 of Section 21B-80 of this Code or has been convicted of any
14 narcotics offense as defined in subsection (a) of Section
15 21B-80 of this Code within 5 years of the application for
16 employment with the school district ~~offense that would subject~~
17 ~~him or her to license suspension or revocation pursuant to~~
18 ~~Section 21B-80 of this Code.~~ Further, no school board shall
19 knowingly employ a person who has been found to be the
20 perpetrator of sexual or physical abuse of any minor under 18
21 years of age pursuant to proceedings under Article II of the
22 Juvenile Court Act of 1987.

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

26 (e) Upon receipt of the record of a conviction of or a

1 finding of child abuse by a holder of any certificate issued
2 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
3 Code, the State Superintendent of Education may initiate
4 certificate suspension and revocation proceedings as
5 authorized by law.

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

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

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

1 conviction and identification as a sex offender of any such
2 employee obtained by the regional superintendent shall be
3 promptly reported to the president of the appropriate school
4 board or school boards.

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

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

22 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
23 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;
24 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

1 Sec. 21B-80. Conviction of certain offenses as grounds for
2 revocation of license.

3 (a) As used in this Section:

4 "Narcotics offense" means any one or more of the following
5 offenses:

6 (1) (Blank). ~~Any offense defined in the Cannabis~~
7 ~~Control Act, except those defined in subdivisions (a) and~~
8 ~~(b) of Section 4 and subdivision (a) of Section 5 of the~~
9 ~~Cannabis Control Act and any offense for which the holder~~
10 ~~of a license is placed on probation under the provisions of~~
11 ~~Section 10 of the Cannabis Control Act, provided that if~~
12 ~~the terms and conditions of probation required by the court~~
13 ~~are not fulfilled, the offense is not eligible for this~~
14 ~~exception.~~

15 (2) Any offense defined in the Illinois Controlled
16 Substances Act, except any offense for which the holder of
17 a license is placed on probation under the provisions of
18 Section 410 of the Illinois Controlled Substances Act,
19 provided that if the terms and conditions of probation
20 required by the court are not fulfilled, the offense is not
21 eligible for this exception.

22 (3) Any offense defined in the Methamphetamine Control
23 and Community Protection Act, except any offense for which
24 the holder of a license is placed on probation under the
25 provision of Section 70 of that Act, provided that if the
26 terms and conditions of probation required by the court are

1 not fulfilled, the offense is not eligible for this
2 exception.

3 (4) Any attempt to commit any of the offenses listed in
4 items (2) and ~~(1)~~ through (3) of this definition.

5 (5) Any offense committed or attempted in any other
6 state or against the laws of the United States that, if
7 committed or attempted in this State, would have been
8 punishable as one or more of the offenses listed in items
9 (2) ~~(1)~~ through (4) of this definition.

10 The changes made by Public Act 96-431 to the definition of
11 "narcotics offense" are declaratory of existing law.

12 "Sex offense" means any one or more of the following
13 offenses:

14 (A) Any offense defined in Sections 11-6 ~~and~~ 11-9
15 through 11-9.5, inclusive, ~~and 11-30~~, of the Criminal Code
16 of 1961 or the Criminal Code of 2012; Sections 11-14.1
17 ~~11-14~~ through 11-21, inclusive, of the Criminal Code of
18 1961 or the Criminal Code of 2012; Sections 11-23 (if
19 punished as a Class 3 felony), 11-24, 11-25, and 11-26 of
20 the Criminal Code of 1961 or the Criminal Code of 2012; and
21 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
22 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, 12-33,
23 and 12C-45 of the Criminal Code of 1961 or the Criminal
24 Code of 2012.

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

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

5 (b) Whenever the holder of any license issued pursuant to
6 this Article has been convicted of any sex offense or narcotics
7 offense, the State Superintendent of Education shall forthwith
8 suspend the license. If the conviction is reversed and the
9 holder is acquitted of the offense in a new trial or the
10 charges against him or her are dismissed, the State
11 Superintendent of Education shall forthwith terminate the
12 suspension of the license. When the conviction becomes final,
13 the State Superintendent of Education shall forthwith revoke
14 the license.

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

1 suspension of the license. When the conviction becomes final,
2 the State Superintendent of Education shall forthwith revoke
3 the license.

4 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.
5 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

6 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

7 Sec. 34-18.5. Criminal history records checks and checks of
8 the Statewide Sex Offender Database and Statewide Murderer and
9 Violent Offender Against Youth Database.

10 (a) Certified and noncertified applicants for employment
11 with the school district are required as a condition of
12 employment to authorize a fingerprint-based criminal history
13 records check to determine if such applicants have been
14 convicted of any of the enumerated criminal offenses in
15 subsection (c) of this Section, have been convicted of any of
16 the enumerated ~~or~~ drug offenses in subsection (c) of this
17 Section within 5 years of the application for employment with
18 the school district, or have been convicted, within 2 ~~7~~ years
19 of the application for employment with the school district, of
20 any other felony under the laws of this State or of any offense
21 committed or attempted in any other state or against the laws
22 of the United States that, if committed or attempted in this
23 State, would have been punishable as a felony under the laws of
24 this State. Authorization for the check shall be furnished by
25 the applicant to the school district, except that if the

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

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

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

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

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

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

1 the laws of this State or of any offense committed or attempted
2 in any other state or against the laws of the United States
3 that, if committed or attempted in this State, would have been
4 punishable as a felony under the laws of this State and so
5 notifies the regional superintendent and if the regional
6 superintendent upon a check ascertains that the applicant has
7 not been identified in the Sex Offender Database as a sex
8 offender, then the regional superintendent shall issue to the
9 applicant a certificate evidencing that as of the date
10 specified by the Department of State Police the applicant has
11 not been convicted of any of the enumerated criminal offenses
12 in subsection (c) of this Section, has not been convicted of
13 any of the enumerated ~~or~~ drug offenses in subsection (c) of
14 this Section within 5 years of the application for employment
15 with the school district, or has not been convicted, within 2 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 sex offense as defined in
12 subsection (a) of Section 21B-80 of this Code or has been
13 convicted of any narcotics offense as defined in subsection (a)
14 of Section 21B-80 of this Code within 5 years of the
15 application for employment with the school district ~~offense~~
16 ~~that would subject him or her to license suspension or~~
17 ~~revocation pursuant to Section 21B-80 of this Code.~~ Further,
18 the board of education shall not knowingly employ a person who
19 has been found to be the perpetrator of sexual or physical
20 abuse of any minor under 18 years of age pursuant to
21 proceedings under Article II of the Juvenile Court Act of 1987.

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

25 (e) Upon receipt of the record of a conviction of or a
26 finding of child abuse by a holder of any certificate issued

1 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
2 Code, the State Superintendent of Education may initiate
3 certificate suspension and revocation proceedings as
4 authorized by law.

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

1 in a hearing is exempt from this confidentiality and
2 non-disclosure requirement. Except for an act of willful or
3 wanton misconduct, any superintendent who provides
4 notification as required in this subsection (e-5) shall have
5 immunity from any liability, whether civil or criminal or that
6 otherwise might result by reason of such action.

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

1 board or school boards.

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

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

18 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
19 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;
20 97-813, eff. 7-13-12.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.