



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2982

by Rep. Daniel Swanson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.9 from Ch. 122, par. 10-21.9
105 ILCS 5/34-18.5 from Ch. 122, par. 34-18.5

Amends the School Code. With regard to criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database, provides that if a criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database is performed by a regional superintendent for an applicant seeking employment as a substitute teacher with a school district, the regional superintendent may disclose to the State Board of Education whether the applicant has been issued a certificate based on those checks. Provides that if the State Board receives information on an applicant, then it must indicate in the Educator Licensure Information System for a 90-day period that the applicant has been issued or has not been issued a certificate. Provides that a school district seeking to employ the substitute teacher may use the information in the Educator Licensure Information System rather than initiating its own criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Makes other changes concerning the Statewide Murderer and Violent Offender Against Youth Database. Effective immediately.

LRB101 09382 AXK 54480 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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

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

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

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

25 (b) Any information concerning the record of convictions
26 obtained by the president of the school board or the regional

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

1 convicted, within 7 years of the application for employment
2 with the school district, of any other felony under the laws of
3 this State or of any offense committed or attempted in any
4 other state or against the laws of the United States that, if
5 committed or attempted in this State, would have been
6 punishable as a felony under the laws of this State and so
7 notifies the regional superintendent and if the regional
8 superintendent upon a check ascertains that the applicant has
9 not been identified in the Sex Offender Database or Statewide
10 Murderer and Violent Offender Against Youth 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) of this Section or has not been
16 convicted, within 7 years of the application for employment
17 with the school district, of any other felony under the laws of
18 this State or of any offense committed or attempted in any
19 other state or against the laws of the United States that, if
20 committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State and
22 evidencing that as of the date that the regional superintendent
23 conducted a check of the Statewide Sex Offender Database or
24 Statewide Murderer and Violent Offender Against Youth
25 Database, the applicant has not been identified in the Database
26 ~~as a sex offender~~. The school board of any school district may

1 rely on the certificate issued by any regional superintendent
2 to that substitute teacher, concurrent part-time teacher, or
3 concurrent educational support personnel employee or may
4 initiate its own criminal history records check of the
5 applicant through the Department of State Police and its own
6 check of the Statewide Sex Offender Database or Statewide
7 Murderer and Violent Offender Against Youth Database as
8 provided in this Section ~~subsection (a)~~. Any unauthorized
9 release of confidential information may be a violation of
10 Section 7 of the Criminal Identification Act.

11 (b-5) If a criminal history records check or check of the
12 Statewide Sex Offender Database or Statewide Murderer and
13 Violent Offender Against Youth Database is performed by a
14 regional superintendent for an applicant seeking employment as
15 a substitute teacher with a school district, the regional
16 superintendent may disclose to the State Board of Education
17 whether the applicant has been issued a certificate under
18 subsection (b) based on those checks. If the State Board
19 receives information on an applicant under this subsection,
20 then it must indicate in the Educator Licensure Information
21 System for a 90-day period that the applicant has been issued
22 or has not been issued a certificate. Notwithstanding
23 subsection (b), a school district seeking to employ the
24 substitute teacher may use the information in the Educator
25 Licensure Information System rather than initiating its own
26 criminal history records check or check of the Statewide Sex

1 Offender Database or Statewide Murderer and Violent Offender
2 Against Youth Database under this Section.

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

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

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

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

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

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

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

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

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

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

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

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

20 (h) (Blank).

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

22 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

23 Sec. 34-18.5. Criminal history records checks and checks of
24 the Statewide Sex Offender Database and Statewide Murderer and
25 Violent Offender Against Youth Database.

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

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

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

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

10 (b) Any information concerning the record of convictions
11 obtained by the president of the board of education or the
12 regional superintendent shall be confidential and may only be
13 transmitted to the general superintendent of the school
14 district or his designee, the appropriate regional
15 superintendent if the check was requested by the board of
16 education for the school district, the presidents of the
17 appropriate board of education or school boards if the check
18 was requested from the Department of State Police by the
19 regional superintendent, the State Board of Education and the
20 school district as authorized under subsection (b-5), the State
21 Superintendent of Education, the State Teacher Certification
22 Board or any other person necessary to the decision of hiring
23 the applicant for employment. A copy of the record of
24 convictions obtained from the Department of State Police shall
25 be provided to the applicant for employment. Upon the check of
26 the Statewide Sex Offender Database or Statewide Murderer and

1 Violent Offender Against Youth Database, the school district or
2 regional superintendent shall notify an applicant as to whether
3 or not the applicant has been identified in the Database ~~as a~~
4 ~~sex offender~~. If a check of an applicant for employment as a
5 substitute or concurrent part-time teacher or concurrent
6 educational support personnel employee in more than one school
7 district was requested by the regional superintendent, and the
8 Department of State Police upon a check ascertains that the
9 applicant has not been convicted of any of the enumerated
10 criminal or drug offenses in subsection (c) of this Section or
11 has not 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 and so
17 notifies the regional superintendent and if the regional
18 superintendent upon a check ascertains that the applicant has
19 not been identified in the Sex Offender Database or Statewide
20 Murderer and Violent Offender Against Youth Database ~~as a sex~~
21 ~~offender~~, then the regional superintendent shall issue to the
22 applicant a certificate evidencing that as of the date
23 specified by the Department of State Police the applicant has
24 not been convicted of any of the enumerated criminal or drug
25 offenses in subsection (c) of this Section or has not been
26 convicted, within 7 years of the application for employment

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

21 (b-5) If a criminal history records check or check of the
22 Statewide Sex Offender Database or Statewide Murderer and
23 Violent Offender Against Youth Database is performed by a
24 regional superintendent for an applicant seeking employment as
25 a substitute teacher with the school district, the regional
26 superintendent may disclose to the State Board of Education

1 whether the applicant has been issued a certificate under
2 subsection (b) based on those checks. If the State Board
3 receives information on an applicant under this subsection,
4 then it must indicate in the Educator Licensure Information
5 System for a 90-day period that the applicant has been issued
6 or has not been issued a certificate. Notwithstanding
7 subsection (b), the school district may use the information in
8 the Educator Licensure Information System rather than
9 initiating its own criminal history records check or check of
10 the Statewide Sex Offender Database or Statewide Murderer and
11 Violent Offender Against Youth Database under this Section.

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

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

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

1 certificate suspension and revocation proceedings as
2 authorized by law.

3 (e-5) The general superintendent of schools shall, in
4 writing, notify the State Superintendent of Education of any
5 certificate holder whom he or she has reasonable cause to
6 believe has committed an intentional act of abuse or neglect
7 with the result of making a child an abused child or a
8 neglected child, as defined in Section 3 of the Abused and
9 Neglected Child Reporting Act, and that act resulted in the
10 certificate holder's dismissal or resignation from the school
11 district. This notification must be submitted within 30 days
12 after the dismissal or resignation. The certificate holder must
13 also be contemporaneously sent a copy of the notice by the
14 superintendent. All correspondence, documentation, and other
15 information so received by the State Superintendent of
16 Education, the State Board of Education, or the State 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 of this Code, (ii) pursuant to a court order, (iii)
22 for disclosure to the certificate holder or his or her
23 representative, or (iv) as otherwise provided in this Article
24 and provided that any such information admitted into evidence
25 in a hearing is exempt from this confidentiality and
26 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 (f-5) Upon request of a school or school district, any

1 information obtained by the school district pursuant to
2 subsection (f) of this Section within the last year must be
3 made available to the requesting school or school district.

4 (g) Prior to the commencement of any student teaching
5 experience or required internship (which is referred to as
6 student teaching in this Section) in the public schools, a
7 student teacher is required to authorize a fingerprint-based
8 criminal history records check. Authorization for and payment
9 of the costs of the check must be furnished by the student
10 teacher to the school district. Upon receipt of this
11 authorization and payment, the school district 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 Department of State Police and the Federal
16 Bureau of Investigation shall furnish, pursuant to a
17 fingerprint-based criminal history records check, records of
18 convictions, forever and hereinafter, until expunged, to the
19 president of the board. The Department shall charge the school
20 district a fee for conducting the check, which fee must not
21 exceed the cost of the inquiry and must be deposited into the
22 State Police Services Fund. The school district shall further
23 perform a check of the Statewide Sex Offender Database, as
24 authorized by the Sex Offender Community Notification Law, and
25 of the Statewide Murderer and Violent Offender Against Youth
26 Database, as authorized by the Murderer and Violent Offender

1 Against Youth Registration Act, for each student teacher. The
2 board may not knowingly allow a person to student teach for
3 whom a criminal history records check, a Statewide Sex Offender
4 Database check, and a Statewide Murderer and Violent Offender
5 Against Youth Database check have not been completed and
6 reviewed by the district.

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

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

26 (h) (Blank).

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.