



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1383

Introduced 1/31/2023, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.02
105 ILCS 5/34-18.5

from Ch. 122, par. 14-7.02
from Ch. 122, par. 34-18.5

Amends the School Code. In provisions of the Children with Disabilities Article concerning a child who attends a non-public school or special education facility, a public out-of-state school, or a special education facility owned and operated by a county government unit, provides that the Illinois Purchased Care Review Board shall allow a nonprofit entity to use the same profit margin calculation that the Board allows in the for-profit tuition and room and board calculations and may not make any distinction in reimbursement level for nonpublic special education facilities based upon their federal income tax filing classification. In provisions of the Chicago School District Article concerning criminal history records checks, provides that a nonpublic special education facility with multiple campuses within this State and providing services under the Children with Disabilities Article shall maintain a separate, current record at a central administrative location, for inspection by representatives of the school district and the State Board of Education, for each staff member, whether employed full-time or part-time, who provides direct services or who is directly involved in the development and implementation of instructional services. Requires a nonpublic special education facility to send a monthly employee roster file electronically to the school district and the State Board of Education that details whether the facility's employees have completed and passed the criminal history records check process. Effective immediately.

LRB103 05143 RJT 50158 b

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 14-7.02 and 34-18.5 as follows:

6 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

7 Sec. 14-7.02. Children attending private schools, public
8 out-of-state schools, public school residential facilities or
9 private special education facilities.

10 (a) The General Assembly recognizes that non-public
11 schools or special education facilities provide an important
12 service in the educational system in Illinois.

13 (b) If a student's individualized education program (IEP)
14 team determines that because of his or her disability the
15 special education program of a district is unable to meet the
16 needs of the child and the child attends a non-public school or
17 special education facility, a public out-of-state school or a
18 special education facility owned and operated by a county
19 government unit that provides special educational services
20 required by the child and is in compliance with the
21 appropriate rules and regulations of the State Superintendent
22 of Education, the school district in which the child is a
23 resident shall pay the actual cost of tuition for special

1 education and related services provided during the regular
2 school term and during the summer school term if the child's
3 educational needs so require, excluding room, board and
4 transportation costs charged the child by that non-public
5 school or special education facility, public out-of-state
6 school or county special education facility, or \$4,500 per
7 year, whichever is less, and shall provide him any necessary
8 transportation. "Nonpublic special education facility" shall
9 include a residential facility, within or without the State of
10 Illinois, which provides special education and related
11 services to meet the needs of the child by utilizing private
12 schools or public schools, whether located on the site or off
13 the site of the residential facility. Resident district
14 financial responsibility and reimbursement applies for both
15 nonpublic special education facilities that are approved by
16 the State Board of Education pursuant to 23 Ill. Adm. Code 401
17 or other applicable laws or rules and for emergency placements
18 in nonpublic special education facilities that are not
19 approved by the State Board of Education pursuant to 23 Ill.
20 Adm. Code 401 or other applicable laws or rules, subject to the
21 requirements of this Section.

22 (c) Prior to the placement of a child in an out-of-state
23 special education residential facility, the school district
24 must refer to the child or the child's parent or guardian the
25 option to place the child in a special education residential
26 facility located within this State, if any, that provides

1 treatment and services comparable to those provided by the
2 out-of-state special education residential facility. The
3 school district must review annually the placement of a child
4 in an out-of-state special education residential facility. As
5 a part of the review, the school district must refer to the
6 child or the child's parent or guardian the option to place the
7 child in a comparable special education residential facility
8 located within this State, if any.

9 (d) Payments shall be made by the resident school district
10 to the entity providing the educational services, whether the
11 entity is the nonpublic special education facility or the
12 school district wherein the facility is located, no less than
13 once per quarter, unless otherwise agreed to in writing by the
14 parties.

15 (e) A school district may place a student in a nonpublic
16 special education facility providing educational services, but
17 not approved by the State Board of Education pursuant to 23
18 Ill. Adm. Code 401 or other applicable laws or rules, provided
19 that the State Board of Education provides an emergency and
20 student-specific approval for placement. The State Board of
21 Education shall promptly, within 10 days after the request,
22 approve a request for emergency and student-specific approval
23 for placement if the following have been demonstrated to the
24 State Board of Education:

- 25 (1) the facility demonstrates appropriate licensure of
26 teachers for the student population;

1 (2) the facility demonstrates age-appropriate
2 curriculum;

3 (3) the facility provides enrollment and attendance
4 data;

5 (4) the facility demonstrates the ability to implement
6 the child's IEP; and

7 (5) the school district demonstrates that it made good
8 faith efforts to place the student in an approved
9 facility, but no approved facility has accepted the
10 student or has availability for immediate placement of the
11 student.

12 A resident school district may also submit such proof to the
13 State Board of Education as may be required for its student.
14 The State Board of Education may not unreasonably withhold
15 approval once satisfactory proof is provided to the State
16 Board.

17 (f) If an impartial due process hearing officer who is
18 contracted by the State Board of Education pursuant to this
19 Article orders placement of a student with a disability in a
20 residential facility that is not approved by the State Board
21 of Education, then, for purposes of this Section, the facility
22 shall be deemed approved for placement and school district
23 payments and State reimbursements shall be made accordingly.

24 (g) Emergency placement in a facility approved pursuant to
25 subsection (e) or (f) may continue to be utilized so long as

26 (i) the student's IEP team determines annually that such

1 placement continues to be appropriate to meet the student's
2 needs and (ii) at least every 3 years following the student's
3 placement, the IEP team reviews appropriate placements
4 approved by the State Board of Education pursuant to 23 Ill.
5 Adm. Code 401 or other applicable laws or rules to determine
6 whether there are any approved placements that can meet the
7 student's needs, have accepted the student, and have
8 availability for placement of the student.

9 (h) The State Board of Education shall promulgate rules
10 and regulations for determining when placement in a private
11 special education facility is appropriate. Such rules and
12 regulations shall take into account the various types of
13 services needed by a child and the availability of such
14 services to the particular child in the public school. In
15 developing these rules and regulations the State Board of
16 Education shall consult with the Advisory Council on Education
17 of Children with Disabilities and hold public hearings to
18 secure recommendations from parents, school personnel, and
19 others concerned about this matter.

20 The State Board of Education shall also promulgate rules
21 and regulations for transportation to and from a residential
22 school. Transportation to and from home to a residential
23 school more than once each school term shall be subject to
24 prior approval by the State Superintendent in accordance with
25 the rules and regulations of the State Board.

26 (i) A school district making tuition payments pursuant to

1 this Section is eligible for reimbursement from the State for
2 the amount of such payments actually made in excess of the
3 district per capita tuition charge for students not receiving
4 special education services. Such reimbursement shall be
5 approved in accordance with Section 14-12.01 and each district
6 shall file its claims, computed in accordance with rules
7 prescribed by the State Board of Education, on forms
8 prescribed by the State Superintendent of Education. Data used
9 as a basis of reimbursement claims shall be for the preceding
10 regular school term and summer school term. Each school
11 district shall transmit its claims to the State Board of
12 Education on or before August 15. The State Board of
13 Education, before approving any such claims, shall determine
14 their accuracy and whether they are based upon services and
15 facilities provided under approved programs. Upon approval the
16 State Board shall cause vouchers to be prepared showing the
17 amount due for payment of reimbursement claims to school
18 districts, for transmittal to the State Comptroller on the
19 30th day of September, December, and March, respectively, and
20 the final voucher, no later than June 20. If the money
21 appropriated by the General Assembly for such purpose for any
22 year is insufficient, it shall be apportioned on the basis of
23 the claims approved.

24 (j) No child shall be placed in a special education
25 program pursuant to this Section if the tuition cost for
26 special education and related services increases more than 10

1 percent over the tuition cost for the previous school year or
2 exceeds \$4,500 per year unless such costs have been approved
3 by the Illinois Purchased Care Review Board. The Illinois
4 Purchased Care Review Board shall consist of the following
5 persons, or their designees: the Directors of Children and
6 Family Services, Public Health, Public Aid, and the Governor's
7 Office of Management and Budget; the Secretary of Human
8 Services; the State Superintendent of Education; and such
9 other persons as the Governor may designate. The Review Board
10 shall also consist of one non-voting member who is an
11 administrator of a private, nonpublic, special education
12 school. The Review Board shall establish rules and regulations
13 for its determination of allowable costs and payments made by
14 local school districts for special education, room and board,
15 and other related services provided by non-public schools or
16 special education facilities and shall establish uniform
17 standards and criteria which it shall follow. The Review Board
18 shall approve the usual and customary rate or rates of a
19 special education program that (i) is offered by an
20 out-of-state, non-public provider of integrated autism
21 specific educational and autism specific residential services,
22 (ii) offers 2 or more levels of residential care, including at
23 least one locked facility, and (iii) serves 12 or fewer
24 Illinois students.

25 (k) In determining rates based on allowable costs, the
26 Review Board shall consider any wage increases awarded by the

1 General Assembly to front line personnel defined as direct
2 support persons, aides, front-line supervisors, qualified
3 intellectual disabilities professionals, nurses, and
4 non-administrative support staff working in service settings
5 in community-based settings within the State and adjust
6 customary rates or rates of a special education program to be
7 equitable to the wage increase awarded to similar staff
8 positions in a community residential setting. Any wage
9 increase awarded by the General Assembly to front line
10 personnel defined as direct support persons, aides, front-line
11 supervisors, qualified intellectual disabilities
12 professionals, nurses, and non-administrative support staff
13 working in community-based settings within the State,
14 including the \$0.75 per hour increase contained in Public Act
15 100-23 and the \$0.50 per hour increase included in Public Act
16 100-23, shall also be a basis for any facility covered by this
17 Section to appeal its rate before the Review Board under the
18 process defined in Title 89, Part 900, Section 340 of the
19 Illinois Administrative Code. Illinois Administrative Code
20 Title 89, Part 900, Section 342 shall be updated to recognize
21 wage increases awarded to community-based settings to be a
22 basis for appeal. However, any wage increase that is captured
23 upon appeal from a previous year shall not be counted by the
24 Review Board as revenue for the purpose of calculating a
25 facility's future rate.

26 (1) Any definition used by the Review Board in

1 administrative rule or policy to define "related
2 organizations" shall include any and all exceptions contained
3 in federal law or regulation as it pertains to the federal
4 definition of "related organizations".

5 (m) The Review Board shall establish uniform definitions
6 and criteria for accounting separately by special education,
7 room and board and other related services costs. The Board
8 shall also establish guidelines for the coordination of
9 services and financial assistance provided by all State
10 agencies to assure that no otherwise qualified child with a
11 disability receiving services under Article 14 shall be
12 excluded from participation in, be denied the benefits of or
13 be subjected to discrimination under any program or activity
14 provided by any State agency.

15 (n) The Review Board shall review the costs for special
16 education and related services provided by non-public schools
17 or special education facilities and shall approve or
18 disapprove such facilities in accordance with the rules and
19 regulations established by it with respect to allowable costs.

20 (o) The State Board of Education shall provide
21 administrative and staff support for the Review Board as
22 deemed reasonable by the State Superintendent of Education.
23 This support shall not include travel expenses or other
24 compensation for any Review Board member other than the State
25 Superintendent of Education.

26 (p) The Review Board shall seek the advice of the Advisory

1 Council on Education of Children with Disabilities on the
2 rules and regulations to be promulgated by it relative to
3 providing special education services.

4 (q) If a child has been placed in a program in which the
5 actual per pupil costs of tuition for special education and
6 related services based on program enrollment, excluding room,
7 board and transportation costs, exceed \$4,500 and such costs
8 have been approved by the Review Board, the district shall pay
9 such total costs which exceed \$4,500. A district making such
10 tuition payments in excess of \$4,500 pursuant to this Section
11 shall be responsible for an amount in excess of \$4,500 equal to
12 the district per capita tuition charge and shall be eligible
13 for reimbursement from the State for the amount of such
14 payments actually made in excess of the districts per capita
15 tuition charge for students not receiving special education
16 services.

17 (r) If a child has been placed in an approved individual
18 program and the tuition costs including room and board costs
19 have been approved by the Review Board, then such room and
20 board costs shall be paid by the appropriate State agency
21 subject to the provisions of Section 14-8.01 of this Act. Room
22 and board costs not provided by a State agency other than the
23 State Board of Education shall be provided by the State Board
24 of Education on a current basis. In no event, however, shall
25 the State's liability for funding of these tuition costs begin
26 until after the legal obligations of third party payors have

1 been subtracted from such costs. If the money appropriated by
2 the General Assembly for such purpose for any year is
3 insufficient, it shall be apportioned on the basis of the
4 claims approved. Each district shall submit estimated claims
5 to the State Superintendent of Education. Upon approval of
6 such claims, the State Superintendent of Education shall
7 direct the State Comptroller to make payments on a monthly
8 basis. The frequency for submitting estimated claims and the
9 method of determining payment shall be prescribed in rules and
10 regulations adopted by the State Board of Education. Such
11 current state reimbursement shall be reduced by an amount
12 equal to the proceeds which the child or child's parents are
13 eligible to receive under any public or private insurance or
14 assistance program. Nothing in this Section shall be construed
15 as relieving an insurer or similar third party from an
16 otherwise valid obligation to provide or to pay for services
17 provided to a child with a disability.

18 (s) If it otherwise qualifies, a school district is
19 eligible for the transportation reimbursement under Section
20 14-13.01 and for the reimbursement of tuition payments under
21 this Section whether the non-public school or special
22 education facility, public out-of-state school or county
23 special education facility, attended by a child who resides in
24 that district and requires special educational services, is
25 within or outside of the State of Illinois. However, a
26 district is not eligible to claim transportation reimbursement

1 under this Section unless the district certifies to the State
2 Superintendent of Education that the district is unable to
3 provide special educational services required by the child for
4 the current school year.

5 (t) Nothing in this Section authorizes the reimbursement
6 of a school district for the amount paid for tuition of a child
7 attending a non-public school or special education facility,
8 public out-of-state school or county special education
9 facility unless the school district certifies to the State
10 Superintendent of Education that the special education program
11 of that district is unable to meet the needs of that child
12 because of his disability and the State Superintendent of
13 Education finds that the school district is in substantial
14 compliance with Section 14-4.01. However, if a child is
15 unilaterally placed by a State agency or any court in a
16 non-public school or special education facility, public
17 out-of-state school, or county special education facility, a
18 school district shall not be required to certify to the State
19 Superintendent of Education, for the purpose of tuition
20 reimbursement, that the special education program of that
21 district is unable to meet the needs of a child because of his
22 or her disability.

23 (u) Any educational or related services provided, pursuant
24 to this Section in a non-public school or special education
25 facility or a special education facility owned and operated by
26 a county government unit shall be at no cost to the parent or

1 guardian of the child. However, current law and practices
2 relative to contributions by parents or guardians for costs
3 other than educational or related services are not affected by
4 this amendatory Act of 1978.

5 (v) Reimbursement for children attending public school
6 residential facilities shall be made in accordance with the
7 provisions of this Section.

8 (w) Notwithstanding any other provision of law, any school
9 district receiving a payment under this Section or under
10 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify
11 all or a portion of the funds that it receives in a particular
12 fiscal year or from general State aid pursuant to Section
13 18-8.05 of this Code as funds received in connection with any
14 funding program for which it is entitled to receive funds from
15 the State in that fiscal year (including, without limitation,
16 any funding program referenced in this Section), regardless of
17 the source or timing of the receipt. The district may not
18 classify more funds as funds received in connection with the
19 funding program than the district is entitled to receive in
20 that fiscal year for that program. Any classification by a
21 district must be made by a resolution of its board of
22 education. The resolution must identify the amount of any
23 payments or general State aid to be classified under this
24 paragraph and must specify the funding program to which the
25 funds are to be treated as received in connection therewith.
26 This resolution is controlling as to the classification of

1 funds referenced therein. A certified copy of the resolution
2 must be sent to the State Superintendent of Education. The
3 resolution shall still take effect even though a copy of the
4 resolution has not been sent to the State Superintendent of
5 Education in a timely manner. No classification under this
6 paragraph by a district shall affect the total amount or
7 timing of money the district is entitled to receive under this
8 Code. No classification under this paragraph by a district
9 shall in any way relieve the district from or affect any
10 requirements that otherwise would apply with respect to that
11 funding program, including any accounting of funds by source,
12 reporting expenditures by original source and purpose,
13 reporting requirements, or requirements of providing services.

14 (x) Notwithstanding any other provision of law, the
15 Illinois Purchased Care Review Board shall allow a nonprofit
16 entity to use the same profit margin calculation that the
17 Board allows in the for-profit tuition and room and board
18 calculations and may not make any distinction in reimbursement
19 level for nonpublic special education facilities based upon
20 their federal income tax filing classification.

21 (Source: P.A. 101-10, eff. 6-5-19; 102-254, eff. 8-6-21;
22 102-703, eff. 4-22-22.)

23 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

24 (Text of Section before amendment by P.A. 102-702)

25 Sec. 34-18.5. Criminal history records checks and checks

1 of the Statewide Sex Offender Database and Statewide Murderer
2 and Violent Offender Against Youth Database.

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

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

1 Education shall reimburse the school district and regional
2 superintendent for fees paid to obtain criminal history
3 records checks under this Section.

4 (a-5) The school district or regional superintendent shall
5 further perform a check of the Statewide Sex Offender
6 Database, as authorized by the Sex Offender Community
7 Notification Law, for each applicant. The check of the
8 Statewide Sex Offender Database must be conducted by the
9 school district or regional superintendent once for every 5
10 years that an applicant remains employed by the school
11 district.

12 (a-6) The school district or regional superintendent shall
13 further perform a check of the Statewide Murderer and Violent
14 Offender Against Youth Database, as authorized by the Murderer
15 and Violent Offender Against Youth Community Notification Law,
16 for each applicant. The check of the Murderer and Violent
17 Offender Against Youth Database must be conducted by the
18 school district or regional superintendent once for every 5
19 years that an applicant remains employed by the school
20 district.

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

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

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

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

6 (b-5) If a criminal history records check or check of the
7 Statewide Sex Offender Database or Statewide Murderer and
8 Violent Offender Against Youth Database is performed by a
9 regional superintendent for an applicant seeking employment as
10 a substitute teacher with the school district, the regional
11 superintendent may disclose to the State Board of Education
12 whether the applicant has been issued a certificate under
13 subsection (b) based on those checks. If the State Board
14 receives information on an applicant under this subsection,
15 then it must indicate in the Educator Licensure Information
16 System for a 90-day period that the applicant has been issued
17 or has not been issued a certificate.

18 (c) The board of education shall not knowingly employ a
19 person who has been convicted of any offense that would
20 subject him or her to license suspension or revocation
21 pursuant to Section 21B-80 of this Code, except as provided
22 under subsection (b) of 21B-80. Further, the board of
23 education shall not knowingly employ a person who has been
24 found to be the perpetrator of sexual or physical abuse of any
25 minor under 18 years of age pursuant to proceedings under
26 Article II of the Juvenile Court Act of 1987. As a condition of

1 employment, the board of education must consider the status of
2 a person who has been issued an indicated finding of abuse or
3 neglect of a child by the Department of Children and Family
4 Services under the Abused and Neglected Child Reporting Act or
5 by a child welfare agency of another jurisdiction.

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

9 (e) Within 10 days after the general superintendent of
10 schools, a regional office of education, or an entity that
11 provides background checks of license holders to public
12 schools receives information of a pending criminal charge
13 against a license holder for an offense set forth in Section
14 21B-80 of this Code, the superintendent, regional office of
15 education, or entity must notify the State Superintendent of
16 Education of the pending criminal charge.

17 No later than 15 business days after receipt of a record of
18 conviction or of checking the Statewide Murderer and Violent
19 Offender Against Youth Database or the Statewide Sex Offender
20 Database and finding a registration, the general
21 superintendent of schools or the applicable regional
22 superintendent shall, in writing, notify the State
23 Superintendent of Education of any license holder who has been
24 convicted of a crime set forth in Section 21B-80 of this Code.
25 Upon receipt of the record of a conviction of or a finding of
26 child abuse by a holder of any license issued pursuant to

1 Article 21B or Section 34-8.1 of this Code, the State
2 Superintendent of Education may initiate licensure suspension
3 and revocation proceedings as authorized by law. If the
4 receipt of the record of conviction or finding of child abuse
5 is received within 6 months after the initial grant of or
6 renewal of a license, the State Superintendent of Education
7 may rescind the license holder's license.

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

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

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

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

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

11 (g) Prior to the commencement of any student teaching
12 experience or required internship (which is referred to as
13 student teaching in this Section) in the public schools, a
14 student teacher is required to authorize a fingerprint-based
15 criminal history records check. Authorization for and payment
16 of the costs of the check must be furnished by the student
17 teacher to the school district. Upon receipt of this
18 authorization and payment, the school district shall submit
19 the student teacher's name, sex, race, date of birth, social
20 security number, fingerprint images, and other identifiers, as
21 prescribed by the Illinois State Police, to the Illinois State
22 Police. The Illinois State Police and the Federal Bureau of
23 Investigation shall furnish, pursuant to a fingerprint-based
24 criminal history records check, records of convictions,
25 forever and hereinafter, until expunged, to the president of
26 the board. The Illinois State Police shall charge the school

1 district a fee for conducting the check, which fee must not
2 exceed the cost of the inquiry and must be deposited into the
3 State Police Services Fund. The school district shall further
4 perform a check of the Statewide Sex Offender Database, as
5 authorized by the Sex Offender Community Notification Law, and
6 of the Statewide Murderer and Violent Offender Against Youth
7 Database, as authorized by the Murderer and Violent Offender
8 Against Youth Registration Act, for each student teacher. The
9 board may not knowingly allow a person to student teach for
10 whom a criminal history records check, a Statewide Sex
11 Offender Database check, and a Statewide Murderer and Violent
12 Offender Against Youth Database check have not been completed
13 and reviewed by the district.

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

26 The board may not knowingly allow a person to student

1 teach who has been convicted of any offense that would subject
2 him or her to license suspension or revocation pursuant to
3 subsection (c) of Section 21B-80 of this Code, except as
4 provided under subsection (b) of Section 21B-80. Further, the
5 board may not allow a person to student teach if he or she has
6 been found to be the perpetrator of sexual or physical abuse of
7 a minor under 18 years of age pursuant to proceedings under
8 Article II of the Juvenile Court Act of 1987. The board must
9 consider the status of a person to student teach who has been
10 issued an indicated finding of abuse or neglect of a child by
11 the Department of Children and Family Services under the
12 Abused and Neglected Child Reporting Act or by a child welfare
13 agency of another jurisdiction.

14 (h) (Blank).

15 (i) A nonpublic special education facility with multiple
16 campuses within this State and providing services under
17 Section 14-7.02 of this Code shall maintain a separate,
18 current record at a central administrative location, for
19 inspection by representatives of the school district and the
20 State Board of Education, for each staff member, whether
21 employed full-time or part-time, who provides direct services
22 or who is directly involved in the development and
23 implementation of instructional services. A nonpublic special
24 education facility shall send a monthly employee roster file
25 electronically to the school district and the State Board of
26 Education that details whether the facility's employees have

1 completed and passed the criminal history records check
2 process.

3 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
4 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
5 1-1-22; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22;
6 102-1071, eff. 6-10-22.)

7 (Text of Section after amendment by P.A. 102-702)

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

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

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

13 (a-5) The school district or regional superintendent shall
14 further perform a check of the Statewide Sex Offender
15 Database, as authorized by the Sex Offender Community
16 Notification Law, for each applicant. The check of the
17 Statewide Sex Offender Database must be conducted by the
18 school district or regional superintendent once for every 5
19 years that an applicant remains employed by the school
20 district.

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

1 school district or regional superintendent once for every 5
2 years that an applicant remains employed by the school
3 district.

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

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

1 superintendent conducted a check of the Statewide Sex Offender
2 Database or Statewide Murderer and Violent Offender Against
3 Youth Database, the applicant has not been identified in the
4 Database. The school board of any school district may rely on
5 the certificate issued by any regional superintendent to that
6 substitute teacher, concurrent part-time teacher, or
7 concurrent educational support personnel employee or may
8 initiate its own criminal history records check of the
9 applicant through the Illinois State Police and its own check
10 of the Statewide Sex Offender Database or Statewide Murderer
11 and Violent Offender Against Youth Database as provided in
12 this Section. Any unauthorized release of confidential
13 information may be a violation of Section 7 of the Criminal
14 Identification Act.

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

1 (c) The board of education shall not knowingly employ a
2 person who has been convicted of any offense that would
3 subject him or her to license suspension or revocation
4 pursuant to Section 21B-80 of this Code, except as provided
5 under subsection (b) of 21B-80. Further, the board of
6 education shall not knowingly employ a person who has been
7 found to be the perpetrator of sexual or physical abuse of any
8 minor under 18 years of age pursuant to proceedings under
9 Article II of the Juvenile Court Act of 1987. As a condition of
10 employment, the board of education must consider the status of
11 a person who has been issued an indicated finding of abuse or
12 neglect of a child by the Department of Children and Family
13 Services under the Abused and Neglected Child Reporting Act or
14 by a child welfare agency of another jurisdiction.

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

18 (e) Within 10 days after the general superintendent of
19 schools, a regional office of education, or an entity that
20 provides background checks of license holders to public
21 schools receives information of a pending criminal charge
22 against a license holder for an offense set forth in Section
23 21B-80 of this Code, the superintendent, regional office of
24 education, or entity must notify the State Superintendent of
25 Education of the pending criminal charge.

26 No later than 15 business days after receipt of a record of

1 conviction or of checking the Statewide Murderer and Violent
2 Offender Against Youth Database or the Statewide Sex Offender
3 Database and finding a registration, the general
4 superintendent of schools or the applicable regional
5 superintendent shall, in writing, notify the State
6 Superintendent of Education of any license holder who has been
7 convicted of a crime set forth in Section 21B-80 of this Code.
8 Upon receipt of the record of a conviction of or a finding of
9 child abuse by a holder of any license issued pursuant to
10 Article 21B or Section 34-8.1 of this Code, the State
11 Superintendent of Education may initiate licensure suspension
12 and revocation proceedings as authorized by law. If the
13 receipt of the record of conviction or finding of child abuse
14 is received within 6 months after the initial grant of or
15 renewal of a license, the State Superintendent of Education
16 may rescind the license holder's license.

17 (e-5) The general superintendent of schools shall, in
18 writing, notify the State Superintendent of Education of any
19 license holder whom he or she has reasonable cause to believe
20 has committed (i) an intentional act of abuse or neglect with
21 the result of making a child an abused child or a neglected
22 child, as defined in Section 3 of the Abused and Neglected
23 Child Reporting Act or (ii) an act of sexual misconduct, as
24 defined in Section 22-85.5 of this Code, and that act resulted
25 in the license holder's dismissal or resignation from the
26 school district and must include the Illinois Educator

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

23 (f) After March 19, 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
4 Sex 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 Illinois State Police and for
12 conducting a check of the Statewide Sex Offender Database for
13 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 the 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. Upon receipt of this
3 authorization and payment, the school district shall submit
4 the student teacher's name, sex, race, date of birth, social
5 security number, fingerprint images, and other identifiers, as
6 prescribed by the Illinois State Police, to the Illinois State
7 Police. The Illinois State Police and the Federal Bureau of
8 Investigation shall furnish, pursuant to a fingerprint-based
9 criminal history records check, records of convictions,
10 forever and hereinafter, until expunged, to the president of
11 the board. The Illinois State Police shall charge the school
12 district a fee for conducting the check, which fee must not
13 exceed the cost of the inquiry and must be deposited into the
14 State Police Services Fund. The school district shall further
15 perform a check of the Statewide Sex Offender Database, as
16 authorized by the Sex Offender Community Notification Law, and
17 of the Statewide Murderer and Violent Offender Against Youth
18 Database, as authorized by the Murderer and Violent Offender
19 Against Youth Registration Act, for each student teacher. The
20 board may not knowingly allow a person to student teach for
21 whom a criminal history records check, a Statewide Sex
22 Offender Database check, and a Statewide Murderer and Violent
23 Offender Against Youth Database check have not been completed
24 and reviewed by the district.

25 A copy of the record of convictions obtained from the
26 Illinois State Police must be provided to the student teacher.

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

11 The board may not knowingly allow a person to student
12 teach who has been convicted of any offense that would subject
13 him or her to license suspension or revocation pursuant to
14 subsection (c) of Section 21B-80 of this Code, except as
15 provided under subsection (b) of Section 21B-80. Further, the
16 board may not allow a person to student teach if he or she has
17 been found to be the perpetrator of sexual or physical abuse of
18 a minor under 18 years of age pursuant to proceedings under
19 Article II of the Juvenile Court Act of 1987. The board must
20 consider the status of a person to student teach who has been
21 issued an indicated finding of abuse or neglect of a child by
22 the Department of Children and Family Services under the
23 Abused and Neglected Child Reporting Act or by a child welfare
24 agency of another jurisdiction.

25 (h) (Blank).

26 (i) A nonpublic special education facility with multiple

1 campuses within this State and providing services under
2 Section 14-7.02 of this Code shall maintain a separate,
3 current record at a central administrative location, for
4 inspection by representatives of the school district and the
5 State Board of Education, for each staff member, whether
6 employed full-time or part-time, who provides direct services
7 or who is directly involved in the development and
8 implementation of instructional services. A nonpublic special
9 education facility shall send a monthly employee roster file
10 electronically to the school district and the State Board of
11 Education that details whether the facility's employees have
12 completed and passed the criminal history records check
13 process.

14 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
15 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
16 1-1-22; 102-702, eff. 7-1-23; 102-813, eff. 5-13-22; 102-894,
17 eff. 5-20-22; 102-1071, eff. 6-10-22; revised 8-17-22.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.