

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 21-9 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 Child
9 Murderer and 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, until
26 expunged, to the president of the school board for the school

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

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

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

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

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

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

1 Class A misdemeanor, unless the release of such information is
2 authorized by 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 certification suspension or revocation pursuant to Section
6 21-23a of this Code. Further, no school board shall knowingly
7 employ a person who has been found to be the perpetrator of
8 sexual or physical abuse of any minor under 18 years of age
9 pursuant to proceedings under Article II of the Juvenile Court
10 Act of 1987.

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

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

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

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

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

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

19 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09.)

20 (105 ILCS 5/21-9) (from Ch. 122, par. 21-9)

21 Sec. 21-9. Substitute certificates and substitute
22 teaching.

23 (a) A substitute teacher's certificate may be issued for
24 teaching in all grades of the common schools. Such certificate
25 may be issued upon request of the regional superintendent of

1 schools of any region in which the teacher is to teach. A
2 substitute teacher's certificate is valid for teaching in the
3 public schools of any county. Such certificate may be issued to
4 persons who either (a) hold a certificate valid for teaching in
5 the common schools as shown on the face of the certificate, (b)
6 hold a bachelor of arts degree from an institution of higher
7 learning accredited by the North Central Association or other
8 comparable regional accrediting association or have been
9 graduated from a recognized institution of higher learning with
10 a bachelor's degree, or (c) have had 2 years of teaching
11 experience and meet such other rules and regulations as may be
12 adopted by the State Board of Education in consultation with
13 the State Teacher Certification Board. Such certificate shall
14 expire on June 30 in the fourth year from date of issue.
15 Substitute teacher's certificates are not subject to
16 endorsement as described in Section 21-1b of this Code.

17 (b) A teacher holding a substitute teacher's certificate
18 may teach only in the place of a certified teacher who is under
19 contract with the employing board and may teach only when no
20 appropriate fully certified teacher is available to teach in a
21 substitute capacity. A teacher holding an early childhood
22 certificate, an elementary certificate, a high school
23 certificate, or a special certificate may also substitute teach
24 in grades K-12 but only in the place of a certified teacher who
25 is under contract with the employing board. A substitute
26 teacher may teach only for a period not to exceed 90 paid

1 school days or 450 paid school hours in any one school district
2 in any one school term. However, a teacher holding an early
3 childhood, elementary, high school, or special certificate may
4 substitute teach for a period not to exceed 120 paid school
5 days or 600 paid school hours in any one school district in any
6 one school term. Where such teaching is partly on a daily and
7 partly on an hourly basis, a school day shall be considered as
8 5 hours. The teaching limitations imposed by this subsection
9 upon teachers holding substitute certificates shall not apply
10 in any school district operating under Article 34.

11 (c) In order to substitute teach in the public schools, a
12 person holding a valid substitute teacher's certificate or a
13 person holding a valid early childhood certificate, a valid
14 elementary certificate, a valid high school certificate, or a
15 valid special certificate shall register as a substitute
16 teacher with the regional superintendent of schools in each
17 educational service region where the person will be employed. A
18 person who registers as a substitute teacher with the regional
19 superintendent of schools is responsible for (1) the payment of
20 fees to register the certificate for its period of validity,
21 (2) authorization of a criminal history records check and
22 checks of the Statewide Sex Offender Database and Statewide
23 Child Murderer and Violent Offender Against Youth Database, as
24 provided in Section 10-21.9 of this Code, (3) payment of the
25 cost of the criminal history records check and checks of the
26 Statewide Sex Offender Database and Statewide Child Murderer

1 and Violent Offender Against Youth Database, and (4) providing
2 evidence of physical fitness and freedom from communicable
3 disease, including tuberculosis, which may consist of a
4 physical examination and a tuberculin skin test as required by
5 Section 24-5 of this Code.

6 The regional superintendent of schools shall maintain a
7 file for each registered substitute teacher in the educational
8 service region that includes a copy of the person's
9 certificate, the results from the criminal history records
10 check and checks of the Statewide Sex Offender Database and
11 Statewide Child Murderer and Violent Offender Against Youth
12 Database, a copy of the physical examination, and a copy of the
13 tuberculin skin test. The regional superintendent of schools
14 shall issue a signed and sealed certificate of authorization to
15 the substitute teacher that verifies that the substitute
16 teacher has completed the registration process and criminal
17 history records check and checks of the Statewide Sex Offender
18 Database and Statewide Child Murderer and Violent Offender
19 Against Youth Database and has a physical examination and
20 negative tuberculin test on file with the regional
21 superintendent of schools and is thereby approved to substitute
22 teach in the public schools of the educational service region.
23 This certificate must be presented to all prospective employing
24 school districts in the educational service region, who shall
25 photocopy the certificate and keep a copy of the certificate
26 with employment records for the substitute teacher.

1 Persons wishing to substitute teach in more than one
2 educational service region shall register as a substitute
3 teacher with the appropriate regional superintendent of
4 schools. The registration process shall include all items
5 listed in the first paragraph of this subsection (b), with the
6 exception of the authorization of a criminal history records
7 check and checks of the Statewide Sex Offender Database and
8 Statewide Child Murderer and Violent Offender Against Youth
9 Database and the accompanying payment of associated fees. If
10 the substitute teacher has been issued a signed and sealed
11 certificate of authorization from another regional
12 superintendent of schools, the registering entity may
13 photocopy the certificate for its files and verify the
14 substitute teacher's registration status.

15 (Source: P.A. 92-184, eff. 7-27-01; 93-679, eff. 6-30-04.)

16 Section 99. Effective date. This Act takes effect on
17 January 1, 2011.