



Sen. Dan Cronin

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09600HB5863sam001

LRB096 18304 AMC 40297 a

1 AMENDMENT TO HOUSE BILL 5863

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5863 by replacing  
3 everything after the enacting clause with the following:

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

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

1 seeking employment as a substitute or concurrent part-time  
2 teacher or concurrent educational support personnel employee  
3 that the check of the applicant has been requested. The  
4 Department of State Police and the Federal Bureau of  
5 Investigation shall furnish, pursuant to a fingerprint-based  
6 criminal history records check, records of convictions, until  
7 expunged, to the president of the school board for the school  
8 district that requested the check, or to the regional  
9 superintendent who requested the check. The Department shall  
10 charge the school district or the appropriate regional  
11 superintendent a fee for conducting such check, which fee shall  
12 be deposited in the State Police Services Fund and shall not  
13 exceed the cost of the inquiry; and the applicant shall not be  
14 charged a fee for such check by the school district or by the  
15 regional superintendent, except that those applicants seeking  
16 employment as a substitute teacher with a school district may  
17 be charged a fee not to exceed the cost of the inquiry. Subject  
18 to appropriations for these purposes, the State Superintendent  
19 of Education shall reimburse school districts and regional  
20 superintendents for fees paid to obtain criminal history  
21 records checks under this Section.

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

26 (a-6) The school district or regional superintendent shall

1 further perform a check of the Statewide Child Murderer and  
2 Violent Offender Against Youth Database, as authorized by the  
3 Child Murderer and Violent Offender Against Youth Community  
4 Notification Law, for each applicant.

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

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

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

10 (c) No school board shall knowingly employ a person who has  
11 been convicted of any offense that would subject him or her to  
12 certification suspension or revocation pursuant to Section  
13 21-23a of this Code. Further, no school board shall knowingly  
14 employ a person who has been found to be the perpetrator of  
15 sexual or physical abuse of any minor under 18 years of age  
16 pursuant to proceedings under Article II of the Juvenile Court  
17 Act of 1987.

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

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

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

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

5 (f) After January 1, 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 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09.)



1           (105 ILCS 5/21-9) (from Ch. 122, par. 21-9)  
2           Sec. 21-9. Substitute certificates and substitute  
3 teaching.

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

23           (b) A teacher holding a substitute teacher's certificate  
24 may teach only in the place of a certified teacher who is under  
25 contract with the employing board and may teach only when no

1 appropriate fully certified teacher is available to teach in a  
2 substitute capacity. A teacher holding an early childhood  
3 certificate, an elementary certificate, a high school  
4 certificate, or a special certificate may also substitute teach  
5 in grades K-12 but only in the place of a certified teacher who  
6 is under contract with the employing board. A substitute  
7 teacher may teach only for a period not to exceed 90 paid  
8 school days or 450 paid school hours in any one school district  
9 in any one school term. However, a teacher holding an early  
10 childhood, elementary, high school, or special certificate may  
11 substitute teach for a period not to exceed 120 paid school  
12 days or 600 paid school hours in any one school district in any  
13 one school term. Where such teaching is partly on a daily and  
14 partly on an hourly basis, a school day shall be considered as  
15 5 hours. The teaching limitations imposed by this subsection  
16 upon teachers holding substitute certificates shall not apply  
17 in any school district operating under Article 34.

18 (c) In order to substitute teach in the public schools, a  
19 person holding a valid substitute teacher's certificate or a  
20 person holding a valid early childhood certificate, a valid  
21 elementary certificate, a valid high school certificate, or a  
22 valid special certificate shall register as a substitute  
23 teacher with the regional superintendent of schools in each  
24 educational service region where the person will be employed. A  
25 person who registers as a substitute teacher with the regional  
26 superintendent of schools is responsible for (1) the payment of

1 fees to register the certificate for its period of validity,  
2 (2) authorization of a criminal history records check and  
3 checks of the Statewide Sex Offender Database and Statewide  
4 Child Murderer and Violent Offender Against Youth Database, as  
5 provided in Section 10-21.9 of this Code, (3) payment of the  
6 cost of the criminal history records check and checks of the  
7 Statewide Sex Offender Database and Statewide Child Murderer  
8 and Violent Offender Against Youth Database, and (4) providing  
9 evidence of physical fitness and freedom from communicable  
10 disease, including tuberculosis, which may consist of a  
11 physical examination and a tuberculin skin test as required by  
12 Section 24-5 of this Code.

13 The regional superintendent of schools shall maintain a  
14 file for each registered substitute teacher in the educational  
15 service region that includes a copy of the person's  
16 certificate, the results from the criminal history records  
17 check and checks of the Statewide Sex Offender Database and  
18 Statewide Child Murderer and Violent Offender Against Youth  
19 Database, a copy of the physical examination, and a copy of the  
20 tuberculin skin test. The regional superintendent of schools  
21 shall issue a signed and sealed certificate of authorization to  
22 the substitute teacher that verifies that the substitute  
23 teacher has completed the registration process and criminal  
24 history records check and checks of the Statewide Sex Offender  
25 Database and Statewide Child Murderer and Violent Offender  
26 Against Youth Database and has a physical examination and

1 negative tuberculin test on file with the regional  
2 superintendent of schools and is thereby approved to substitute  
3 teach in the public schools of the educational service region.  
4 This certificate must be presented to all prospective employing  
5 school districts in the educational service region, who shall  
6 photocopy the certificate and keep a copy of the certificate  
7 with employment records for the substitute teacher.

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

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."