

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 Counties Code is amended by changing Section  
5 3-9005 as follows:

6 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)  
7 Sec. 3-9005. Powers and duties of State's attorney.

8 (a) The duty of each State's attorney shall be:

9 (1) To commence and prosecute all actions, suits,  
10 indictments and prosecutions, civil and criminal, in the  
11 circuit court for his county, in which the people of the  
12 State or county may be concerned.

13 (2) To prosecute all forfeited bonds and  
14 recognizances, and all actions and proceedings for the  
15 recovery of debts, revenues, moneys, fines, penalties and  
16 forfeitures accruing to the State or his county, or to any  
17 school district or road district in his county; also, to  
18 prosecute all suits in his county against railroad or  
19 transportation companies, which may be prosecuted in the  
20 name of the People of the State of Illinois.

21 (3) To commence and prosecute all actions and  
22 proceedings brought by any county officer in his official  
23 capacity.

1           (4) To defend all actions and proceedings brought  
2 against his county, or against any county or State officer,  
3 in his official capacity, within his county.

4           (5) To attend the examination of all persons brought  
5 before any judge on habeas corpus, when the prosecution is  
6 in his county.

7           (6) To attend before judges and prosecute charges of  
8 felony or misdemeanor, for which the offender is required  
9 to be recognized to appear before the circuit court, when  
10 in his power so to do.

11           (7) To give his opinion, without fee or reward, to any  
12 county officer in his county, upon any question or law  
13 relating to any criminal or other matter, in which the  
14 people or the county may be concerned.

15           (8) To assist the attorney general whenever it may be  
16 necessary, and in cases of appeal from his county to the  
17 Supreme Court, to which it is the duty of the attorney  
18 general to attend, he shall furnish the attorney general at  
19 least 10 days before such is due to be filed, a manuscript  
20 of a proposed statement, brief and argument to be printed  
21 and filed on behalf of the people, prepared in accordance  
22 with the rules of the Supreme Court. However, if such  
23 brief, argument or other document is due to be filed by law  
24 or order of court within this 10 day period, then the  
25 State's attorney shall furnish such as soon as may be  
26 reasonable.

1           (9) To pay all moneys received by him in trust, without  
2 delay, to the officer who by law is entitled to the custody  
3 thereof.

4           (10) To notify, by first class mail, complaining  
5 witnesses of the ultimate disposition of the cases arising  
6 from an indictment or an information.

7           (11) To perform such other and further duties as may,  
8 from time to time, be enjoined on him by law.

9           (12) To appear in all proceedings by collectors of  
10 taxes against delinquent taxpayers for judgments to sell  
11 real estate, and see that all the necessary preliminary  
12 steps have been legally taken to make the judgment legal  
13 and binding.

14           (13) To notify, by first-class mail, the State  
15 Superintendent of Education, the applicable regional  
16 superintendent of schools, and the superintendent of the  
17 employing school district or the chief school  
18 administrator of the employing nonpublic school, if any,  
19 upon the conviction of any individual known to possess a  
20 certificate issued pursuant to Article 21 of the School  
21 Code of any offense set forth in Section 21-23a of the  
22 School Code or any other felony conviction, providing the  
23 name of the certificate holder, the fact of the conviction,  
24 and the name and location of the court where the conviction  
25 occurred. The certificate holder must also be  
26 contemporaneously sent a copy of the notice.

1           (b) The State's Attorney of each county shall have  
2 authority to appoint one or more special investigators to serve  
3 subpoenas, make return of process and conduct investigations  
4 which assist the State's Attorney in the performance of his  
5 duties. A special investigator shall not carry firearms except  
6 with permission of the State's Attorney and only while carrying  
7 appropriate identification indicating his employment and in  
8 the performance of his assigned duties.

9           Subject to the qualifications set forth in this subsection,  
10 special investigators shall be peace officers and shall have  
11 all the powers possessed by investigators under the State's  
12 Attorneys Appellate Prosecutor's Act.

13           No special investigator employed by the State's Attorney  
14 shall have peace officer status or exercise police powers  
15 unless he or she successfully completes the basic police  
16 training course mandated and approved by the Illinois Law  
17 Enforcement Training Standards Board or such board waives the  
18 training requirement by reason of the special investigator's  
19 prior law enforcement experience or training or both. Any  
20 State's Attorney appointing a special investigator shall  
21 consult with all affected local police agencies, to the extent  
22 consistent with the public interest, if the special  
23 investigator is assigned to areas within that agency's  
24 jurisdiction.

25           Before a person is appointed as a special investigator, his  
26 fingerprints shall be taken and transmitted to the Department

1 of State Police. The Department shall examine its records and  
2 submit to the State's Attorney of the county in which the  
3 investigator seeks appointment any conviction information  
4 concerning the person on file with the Department. No person  
5 shall be appointed as a special investigator if he has been  
6 convicted of a felony or other offense involving moral  
7 turpitude. A special investigator shall be paid a salary and be  
8 reimbursed for actual expenses incurred in performing his  
9 assigned duties. The county board shall approve the salary and  
10 actual expenses and appropriate the salary and expenses in the  
11 manner prescribed by law or ordinance.

12 (c) The State's Attorney may request and receive from  
13 employers, labor unions, telephone companies, and utility  
14 companies location information concerning putative fathers and  
15 noncustodial parents for the purpose of establishing a child's  
16 paternity or establishing, enforcing, or modifying a child  
17 support obligation. In this subsection, "location information"  
18 means information about (i) the physical whereabouts of a  
19 putative father or noncustodial parent, (ii) the putative  
20 father or noncustodial parent's employer, or (iii) the salary,  
21 wages, and other compensation paid and the health insurance  
22 coverage provided to the putative father or noncustodial parent  
23 by the employer of the putative father or noncustodial parent  
24 or by a labor union of which the putative father or  
25 noncustodial parent is a member.

26 (d) For each State fiscal year, the State's Attorney of

1 Cook County shall appear before the General Assembly and  
2 request appropriations to be made from the Capital Litigation  
3 Trust Fund to the State Treasurer for the purpose of providing  
4 assistance in the prosecution of capital cases in Cook County  
5 and for the purpose of providing assistance to the State in  
6 post-conviction proceedings in capital cases under Article 122  
7 of the Code of Criminal Procedure of 1963 and in relation to  
8 petitions filed under Section 2-1401 of the Code of Civil  
9 Procedure in relation to capital cases. The State's Attorney  
10 may appear before the General Assembly at other times during  
11 the State's fiscal year to request supplemental appropriations  
12 from the Trust Fund to the State Treasurer.

13 (e) The State's Attorney shall have the authority to enter  
14 into a written agreement with the Department of Revenue for  
15 pursuit of civil liability under Section 17-1a of the Criminal  
16 Code of 1961 against persons who have issued to the Department  
17 checks or other orders in violation of the provisions of  
18 paragraph (d) of subsection (B) of Section 17-1 of the Criminal  
19 Code of 1961, with the Department to retain the amount owing  
20 upon the dishonored check or order along with the dishonored  
21 check fee imposed under the Uniform Penalty and Interest Act,  
22 with the balance of damages, fees, and costs collected under  
23 Section 17-1a of the Criminal Code of 1961 to be retained by  
24 the State's Attorney. The agreement shall not affect the  
25 allocation of fines and costs imposed in any criminal  
26 prosecution.

1 (Source: P.A. 92-492, eff. 1-1-02; 93-972, eff. 8-20-04.)

2 Section 10. The School Code is amended by changing Sections  
3 2-3.25o, 3-11, 10-21.9, 10-22.39, 21-1, 21-23, 21-23a, and  
4 34-18.5 as follows:

5 (105 ILCS 5/2-3.25o)

6 Sec. 2-3.25o. Registration and recognition of non-public  
7 elementary and secondary schools.

8 (a) Findings. The General Assembly finds and declares (i)  
9 that the Constitution of the State of Illinois provides that a  
10 "fundamental goal of the People of the State is the educational  
11 development of all persons to the limits of their capacities"  
12 and (ii) that the educational development of every school  
13 student serves the public purposes of the State. In order to  
14 ensure that all Illinois students and teachers have the  
15 opportunity to enroll and work in State-approved educational  
16 institutions and programs, the State Board of Education shall  
17 provide for the voluntary registration and recognition of  
18 non-public elementary and secondary schools.

19 (b) Registration. All non-public elementary and secondary  
20 schools in the State of Illinois may voluntarily register with  
21 the State Board of Education on an annual basis. Registration  
22 shall be completed in conformance with procedures prescribed by  
23 the State Board of Education. Information required for  
24 registration shall include assurances of compliance (i) with

1 federal and State laws regarding health examination and  
2 immunization, attendance, length of term, and  
3 nondiscrimination and (ii) with applicable fire and health  
4 safety requirements.

5 (c) Recognition. All non-public elementary and secondary  
6 schools in the State of Illinois may voluntarily seek the  
7 status of "Non-public School Recognition" from the State Board  
8 of Education. This status may be obtained by compliance with  
9 administrative guidelines and review procedures as prescribed  
10 by the State Board of Education. The guidelines and procedures  
11 must recognize that some of the aims and the financial bases of  
12 non-public schools are different from public schools and will  
13 not be identical to those for public schools, nor will they be  
14 more burdensome. The guidelines and procedures must also  
15 recognize the diversity of non-public schools and shall not  
16 impinge upon the noneducational relationships between those  
17 schools and their clientele.

18 (c-5) Prohibition against recognition. A non-public  
19 elementary or secondary school may not obtain "Non-public  
20 School Recognition" status unless the school requires all  
21 certified and non-certified applicants for employment with the  
22 school, after July 1, 2007, to authorize a fingerprint-based  
23 criminal history records check as a condition of employment to  
24 determine if such applicants have been convicted of any of the  
25 enumerated criminal or drug offenses set forth in Section  
26 21-23a of this Code ~~this subsection (c-5)~~ or have been



1 convicted, within 7 years of the application for employment, of  
2 any other felony under the laws of this State or of any offense  
3 committed or attempted in any other state or against the laws  
4 of the United States that, if committed or attempted in this  
5 State, would have been punishable as a felony under the laws of  
6 this State.

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

22 The Department of State Police and Federal Bureau of  
23 Investigation shall furnish, pursuant to a fingerprint-based  
24 criminal history records check, records of convictions,  
25 forever and hereafter, until expunged, to the president or  
26 principal of the non-public school that requested the check.

1 The Department of State Police shall charge that school a fee  
2 for conducting such check, which fee must be deposited into the  
3 State Police Services Fund and must not exceed the cost of the  
4 inquiry. Subject to appropriations for these purposes, the  
5 State Superintendent of Education shall reimburse non-public  
6 schools for fees paid to obtain criminal history records checks  
7 under this Section.

8 A non-public school may not obtain recognition status  
9 unless the school also performs a check of the Statewide Sex  
10 Offender Database, as authorized by the Sex Offender Community  
11 Notification Law, for each applicant for employment, after July  
12 1, 2007, to determine whether the applicant has been  
13 adjudicated a sex offender.

14 Any information concerning the record of convictions  
15 obtained by a non-public school's president or principal under  
16 this Section is confidential and may be disseminated only to  
17 the governing body of the non-public school or any other person  
18 necessary to the decision of hiring the applicant for  
19 employment. A copy of the record of convictions obtained from  
20 the Department of State Police shall be provided to the  
21 applicant for employment. Upon a check of the Statewide Sex  
22 Offender Database, the non-public school shall notify the  
23 applicant as to whether or not the applicant has been  
24 identified in the Sex Offender Database as a sex offender. Any  
25 information concerning the records of conviction obtained by  
26 the non-public school's president or principal under this

1 Section for a substitute teacher seeking employment in more  
2 than one non-public school, a teacher seeking concurrent  
3 part-time employment positions with more than one non-public  
4 school (as a reading specialist, special education teacher, or  
5 otherwise), or an educational support personnel employee  
6 seeking employment positions with more than one non-public  
7 school may be shared with another non-public school's principal  
8 or president to which the applicant seeks employment. Any  
9 person who releases any criminal history record information  
10 concerning an applicant for employment is guilty of a Class A  
11 misdemeanor and may be subject to prosecution under federal  
12 law, unless the release of such information is authorized by  
13 this Section.

14 No non-public school may obtain recognition status that  
15 knowingly employs a person, hired after July 1, 2007, for whom  
16 a Department of State Police and Federal Bureau of  
17 Investigation fingerprint-based criminal history records check  
18 and a Statewide Sex Offender Database check has not been  
19 initiated or who has been convicted of any offense enumerated  
20 in Section 21-23a of this Code or ~~for committing attempted~~  
21 ~~first degree murder or for committing or attempting to commit~~  
22 ~~first degree murder or a Class X felony or any one or more of~~  
23 ~~the following offenses: (i) those defined in Sections 11-6,~~  
24 ~~11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,~~  
25 ~~11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,~~  
26 ~~12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)~~

1 ~~those defined in the Cannabis Control Act, except those defined~~  
2 ~~in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those~~  
3 ~~defined in the Illinois Controlled Substances Act; and (iv) any~~  
4 offense committed or attempted in any other state or against  
5 the laws of the United States that, if committed or attempted  
6 in this State, would have been punishable as one or more of  
7 those ~~the foregoing~~ offenses. No non-public school may obtain  
8 recognition status under this Section that knowingly employs a  
9 person who has been found to be the perpetrator of sexual or  
10 physical abuse of a minor under 18 years of age pursuant to  
11 proceedings under Article II of the Juvenile Court Act of 1987.

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

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

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

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

4 (Source: P.A. 95-351, eff. 8-23-07.)

5 (105 ILCS 5/3-11) (from Ch. 122, par. 3-11)

6 Sec. 3-11. Institutes or inservice training workshops. In  
7 counties of less than 2,000,000 inhabitants, the regional  
8 superintendent may arrange for or conduct district, regional,  
9 or county institutes, or equivalent professional educational  
10 experiences, not more than 4 days annually. Of those 4 days, 2  
11 days may be used as a teacher's workshop, when approved by the  
12 regional superintendent, up to 2 days may be used for  
13 conducting parent-teacher conferences or up to 2 days may be  
14 utilized as parental institute days as provided in Section  
15 10-22.18d. A school district may use one of its 4 institute  
16 days on the last day of the school term. "Institute" or  
17 "Professional educational experiences" means any educational  
18 gathering, demonstration of methods of instruction, visitation  
19 of schools or other institutions or facilities, sexual abuse  
20 and sexual assault awareness seminar, or training in First Aid  
21 (which may include cardiopulmonary resuscitation or  
22 defibrillator training) held or approved by the regional  
23 superintendent and declared by him to be an institute day, or  
24 parent-teacher conferences. With the concurrence of the State  
25 Superintendent of Education, he or she may employ such

1 assistance as is necessary to conduct the institute. Two or  
2 more adjoining counties may jointly hold an institute.  
3 Institute instruction shall be free to holders of certificates  
4 good in the county or counties holding the institute, and to  
5 those who have paid an examination fee and failed to receive a  
6 certificate.

7 In counties of 2,000,000 or more inhabitants, the regional  
8 superintendent may arrange for or conduct district, regional,  
9 or county inservice training workshops, or equivalent  
10 professional educational experiences, not more than 4 days  
11 annually. Of those 4 days, 2 days may be used for conducting  
12 parent-teacher conferences and up to 2 days may be utilized as  
13 parental institute days as provided in Section 10-22.18d. A  
14 school district may use one of those 4 days on the last day of  
15 the school term. "Inservice Training Workshops" or  
16 "Professional educational experiences" means any educational  
17 gathering, demonstration of methods of instruction, visitation  
18 of schools or other institutions or facilities, sexual abuse  
19 and sexual assault awareness seminar, or training in First Aid  
20 (which may include cardiopulmonary resuscitation or  
21 defibrillator training) held or approved by the regional  
22 superintendent and declared by him to be an inservice training  
23 workshop, or parent-teacher conferences. With the concurrence  
24 of the State Superintendent of Education, he may employ such  
25 assistance as is necessary to conduct the inservice training  
26 workshop. With the approval of the regional superintendent, 2

1 or more adjoining districts may jointly hold an inservice  
2 training workshop. In addition, with the approval of the  
3 regional superintendent, one district may conduct its own  
4 inservice training workshop with subject matter consultants  
5 requested from the county, State or any State institution of  
6 higher learning.

7 Such teachers institutes as referred to in this Section may  
8 be held on consecutive or separate days at the option of the  
9 regional superintendent having jurisdiction thereof.

10 Whenever reference is made in this Act to "teachers  
11 institute", it shall be construed to include the inservice  
12 training workshops or equivalent professional educational  
13 experiences provided for in this Section.

14 Any institute advisory committee existing on April 1, 1995,  
15 is dissolved and the duties and responsibilities of the  
16 institute advisory committee are assumed by the regional office  
17 of education advisory board.

18 Districts providing inservice training programs shall  
19 constitute inservice committees, 1/2 of which shall be  
20 teachers, 1/4 school service personnel and 1/4 administrators  
21 to establish program content and schedules.

22 The teachers institutes shall include teacher training  
23 committed to (i) peer counseling programs and other  
24 anti-violence and conflict resolution programs, including  
25 without limitation programs for preventing at risk students  
26 from committing violent acts, and (ii) educator ethics and

1 teacher-student conduct. Beginning with the 2009-2010 school  
2 year, the teachers institutes shall include instruction on  
3 prevalent student chronic health conditions.

4 (Source: P.A. 94-197, eff. 7-12-05; 95-969, eff. 1-1-09.)

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

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

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



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

1 superintendent a fee for conducting such check, which fee shall  
2 be deposited in the State Police Services Fund and shall not  
3 exceed the cost of the inquiry; and the applicant shall not be  
4 charged a fee for such check by the school district or by the  
5 regional superintendent. Subject to appropriations for these  
6 purposes, the State Superintendent of Education shall  
7 reimburse school districts and regional superintendents for  
8 fees paid to obtain criminal history records checks under this  
9 Section.

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

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

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

1 State Superintendent of Education, the State Teacher  
2 Certification Board or any other person necessary to the  
3 decision of hiring the applicant for employment. A copy of the  
4 record of convictions obtained from the Department of State  
5 Police shall be provided to the applicant for employment. Upon  
6 the check of the Statewide Sex Offender Database, the school  
7 district or regional superintendent shall notify an applicant  
8 as to whether or not the applicant has been identified in the  
9 Database as a sex offender. If a check of an applicant for  
10 employment as a substitute or concurrent part-time teacher or  
11 concurrent educational support personnel employee in more than  
12 one school district was requested by the regional  
13 superintendent, and the Department of State Police upon a check  
14 ascertains that the applicant has not been convicted of any of  
15 the enumerated criminal or drug offenses in subsection (c) or  
16 has not 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 and so  
22 notifies the regional superintendent and if the regional  
23 superintendent upon a check ascertains that the applicant has  
24 not been identified in the Sex Offender Database as a sex  
25 offender, then the regional superintendent shall issue to the  
26 applicant a certificate evidencing that as of the date

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

24 (c) No school board shall knowingly employ a person who has  
25 been convicted of any offense that would subject him or her to  
26 certification suspension or revocation pursuant to Section

1 ~~21-23a of this Code. for committing attempted first degree~~  
2 ~~murder or for committing or attempting to commit first degree~~  
3 ~~murder or a Class X felony or any one or more of the following~~  
4 ~~offenses: (i) those defined in Sections 11-6, 11-9, 11-14,~~  
5 ~~11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,~~  
6 ~~11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16~~  
7 ~~of the Criminal Code of 1961; (ii) those defined in the~~  
8 ~~Cannabis Control Act except those defined in Sections 4(a),~~  
9 ~~4(b) and 5(a) of that Act; (iii) those defined in the Illinois~~  
10 ~~Controlled Substances Act; (iv) those defined in the~~  
11 ~~Methamphetamine Control and Community Protection Act; and (v)~~  
12 ~~any offense committed or attempted in any other state or~~  
13 ~~against the laws of the United States, which if committed or~~  
14 ~~attempted in this State, would have been punishable as one or~~  
15 ~~more of the foregoing offenses. Further, no school board shall~~  
16 knowingly employ a person who has been found to be the  
17 perpetrator of sexual or physical abuse of any minor under 18  
18 years of age pursuant to proceedings under Article II of the  
19 Juvenile Court Act of 1987.

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

23 (e) Upon receipt of the record of a conviction of or a  
24 finding of child abuse by a holder of any certificate issued  
25 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
26 Code, the ~~appropriate regional superintendent of schools or the~~

1 State Superintendent of Education may ~~shall~~ initiate ~~the~~  
2 certificate suspension and revocation proceedings as  
3 authorized by law.

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

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

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

1 promptly reported to the president of the appropriate school  
2 board or school boards.

3 (Source: P.A. 94-219, eff. 7-14-05; 94-556, eff. 9-11-05;  
4 94-875, eff. 7-1-06; 94-945, eff. 6-27-06; 95-331, eff.  
5 8-21-07.)

6 (105 ILCS 5/10-22.39) (from Ch. 122, par. 10-22.39)

7 Sec. 10-22.39. In-service training programs.

8 (a) To conduct in-service training programs for teachers.

9 (b) In addition to other topics at in-service training  
10 programs, school guidance counselors, teachers and other  
11 school personnel who work with pupils in grades 7 through 12  
12 shall be trained to identify the warning signs of suicidal  
13 behavior in adolescents and teens and shall be taught  
14 appropriate intervention and referral techniques.

15 (c) School guidance counselors, nurses, teachers and other  
16 school personnel who work with pupils may be trained to have a  
17 basic knowledge of matters relating to acquired  
18 immunodeficiency syndrome (AIDS), including the nature of the  
19 disease, its causes and effects, the means of detecting it and  
20 preventing its transmission, and the availability of  
21 appropriate sources of counseling and referral, and any other  
22 information that may be appropriate considering the age and  
23 grade level of such pupils. The School Board shall supervise  
24 such training. The State Board of Education and the Department  
25 of Public Health shall jointly develop standards for such



1 training.

2 (d) In this subsection (d):

3 "Domestic violence" means abuse by a family or household  
4 member, as "abuse" and "family or household members" are  
5 defined in Section 103 of the Illinois Domestic Violence Act of  
6 1986.

7 "Sexual violence" means sexual assault, abuse, or stalking  
8 of an adult or minor child proscribed in the Criminal Code of  
9 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,  
10 12-14.1, 12-15, and 12-16, including sexual violence committed  
11 by perpetrators who are strangers to the victim and sexual  
12 violence committed by perpetrators who are known or related by  
13 blood or marriage to the victim.

14 At least once every 2 years, an in-service training program  
15 for school personnel who work with pupils, including, but not  
16 limited to, school and school district administrators,  
17 teachers, school guidance counselors, school social workers,  
18 school counselors, school psychologists, and school nurses,  
19 must be conducted by persons with expertise in domestic and  
20 sexual violence and the needs of expectant and parenting youth  
21 and shall include training concerning (i) communicating with  
22 and listening to youth victims of domestic or sexual violence  
23 and expectant and parenting youth, (ii) connecting youth  
24 victims of domestic or sexual violence and expectant and  
25 parenting youth to appropriate in-school services and other  
26 agencies, programs, and services as needed, and (iii)

1 implementing the school district's policies, procedures, and  
2 protocols with regard to such youth, including  
3 confidentiality. At a minimum, school personnel must be trained  
4 to understand, provide information and referrals, and address  
5 issues pertaining to youth who are parents, expectant parents,  
6 or victims of domestic or sexual violence.

7 (e) At least once every 2 years, a school board shall  
8 conduct in-service training on educator ethics,  
9 teacher-student conduct, and school employee-student conduct  
10 for all personnel.

11 (Source: P.A. 95-558, eff. 8-30-07.)

12 (105 ILCS 5/21-1) (from Ch. 122, par. 21-1)

13 Sec. 21-1. Qualification of teachers. No one may be  
14 certified to teach or supervise in the public schools of this  
15 State who is not of good character, of good health, a citizen  
16 of the United States or legally present and authorized for  
17 employment, and at least 19 years of age. No one may be  
18 certified to teach or supervise in the public schools of this  
19 State who has been convicted of an offense set forth in Section  
20 21-23a of this Code. An applicant for a certificate who is not  
21 a citizen of the United States must sign and file with the  
22 State Board of Education a letter of intent indicating that  
23 either (i) within 10 years after the date that the letter is  
24 filed or (ii) at the earliest opportunity after the person  
25 becomes eligible to apply for U.S. citizenship, the person will

1 apply for U.S. citizenship.

2       Citizenship is not required for the issuance of a temporary  
3 part-time certificate to participants in approved training  
4 programs for exchange students as described in Section 21-10.2.  
5 A certificate issued under this plan shall expire on June 30  
6 following the date of issue. One renewal for one year is  
7 authorized if the holder remains as an official participant in  
8 an approved exchange program.

9       In determining good character under this Section, any  
10 felony conviction of the applicant may be taken into  
11 consideration, but, unless the conviction is an offense set  
12 forth in Section 21-23a of this Code, an applicant must be  
13 permitted to submit character references or other written  
14 material before such a conviction or other information  
15 regarding the applicant's character may be used by the State  
16 Superintendent of Education as a basis for denying the  
17 application shall not operate as a bar to registration.

18       No person otherwise qualified shall be denied the right to  
19 be certified, to receive training for the purpose of becoming a  
20 teacher or to engage in practice teaching in any school because  
21 of a physical disability including but not limited to visual  
22 and hearing disabilities; nor shall any school district refuse  
23 to employ a teacher on such grounds, provided that the person  
24 is able to carry out the duties of the position for which he  
25 applies.

26       No person may be granted or continue to hold a teaching

1 certificate who has knowingly altered or misrepresented his or  
2 her teaching qualifications in order to acquire the  
3 certificate. Any other certificate held by such person may be  
4 suspended or revoked by the State Teacher Certification Board,  
5 depending upon the severity of the alteration or  
6 misrepresentation.

7 No one may teach or supervise in the public schools nor  
8 receive for teaching or supervising any part of any public  
9 school fund, who does not hold a certificate of qualification  
10 granted by the State Board of Education or by the State Teacher  
11 Certification Board and a regional superintendent of schools as  
12 hereinafter provided, or by the board of education of a city  
13 having a population exceeding 500,000 inhabitants except as  
14 provided in Section 34-6 and in Section 10-22.34 or Section  
15 10-22.34b. However, the provisions of this Article do not apply  
16 to a member of the armed forces who is employed as a teacher of  
17 subjects in the Reserve Officer's Training Corps of any school.  
18 Sections 21-2 through 21-24 do not apply to cities having a  
19 population exceeding 500,000 inhabitants, until July 1, 1988.

20 Notwithstanding any other provision of this Act, the board  
21 of education of any school district may grant to a teacher of  
22 the district a leave of absence with full pay for a period of  
23 not more than one year to permit such teacher to teach in a  
24 foreign state under the provisions of the Exchange Teacher  
25 Program established under Public Law 584, 79th Congress, and  
26 Public Law 402, 80th Congress, as amended. The school board

1 granting such leave of absence may employ with or without pay a  
2 national of the foreign state wherein the teacher on leave of  
3 absence will teach, if the national is qualified to teach in  
4 that foreign state, and if that national will teach in a grade  
5 level similar to the one which was taught in such foreign  
6 state. The State Board of Education shall promulgate and  
7 enforce such reasonable rules as may be necessary to effectuate  
8 this paragraph.

9 (Source: P.A. 93-572, eff. 1-1-04.)

10 (105 ILCS 5/21-23) (from Ch. 122, par. 21-23)

11 Sec. 21-23. Suspension or revocation of certificate.

12 (a) The State Superintendent of Education has the exclusive  
13 authority, in accordance with this Section and any rules  
14 adopted by the State Board of Education, to initiate the  
15 suspension of up to 5 calendar years or revocation of any ~~Any~~  
16 certificate issued pursuant to this Article, including but not  
17 limited to any administrative certificate or endorsement, for  
18 abuse or neglect of a child, ~~may be suspended for a period not~~  
19 ~~to exceed one calendar year by the regional superintendent or~~  
20 ~~for a period not to exceed 5 calendar years by the State~~  
21 ~~Superintendent of Education upon evidence of~~ immorality, a  
22 condition of health detrimental to the welfare of pupils,  
23 incompetency, unprofessional conduct (which includes the  
24 failure to disclose on an employment application any previous  
25 conviction for a sex offense, as defined in Section 21-23a of

1 this Code, or any other offense committed in any other state or  
2 against the laws of the United States that, if committed in  
3 this State, would be punishable as a sex offense, as defined in  
4 Section 21-23a of this Code), the neglect of any professional  
5 duty, willful failure to report an instance of suspected child  
6 abuse or neglect as required by the Abused and Neglected Child  
7 Reporting Act, failure to establish satisfactory repayment on  
8 an educational loan guaranteed by the Illinois Student  
9 Assistance Commission, or other just cause. Unprofessional  
10 conduct shall include refusal to attend or participate in,  
11 institutes, teachers' meetings, professional readings, or to  
12 meet other reasonable requirements of the regional  
13 superintendent or State Superintendent of Education.  
14 Unprofessional conduct also includes conduct that violates the  
15 standards, ethics, or rules applicable to the security,  
16 administration, monitoring, or scoring of, or the reporting of  
17 scores from, any assessment test or the Prairie State  
18 Achievement Examination administered under Section 2-3.64 or  
19 that is known or intended to produce or report manipulated or  
20 artificial, rather than actual, assessment or achievement  
21 results or gains from the administration of those tests or  
22 examinations. It shall also include neglect or unnecessary  
23 delay in making of statistical and other reports required by  
24 school officers.

25 (a-5) The ~~regional superintendent or~~ State Superintendent  
26 of Education shall, upon receipt of evidence of abuse or

1 neglect of a child, immorality, a condition of health  
2 detrimental to the welfare of pupils, incompetency,  
3 unprofessional conduct, the neglect of any professional duty or  
4 other just cause, further investigate and, if and as  
5 appropriate, serve written notice to the individual and afford  
6 the individual opportunity for a hearing prior to suspension or  
7 revocation; provided that the State Superintendent is under no  
8 obligation to initiate such an investigation if the Department  
9 of Children and Family Services is investigating the same or  
10 substantially similar allegations and its child protective  
11 service unit has not made its determination as required under  
12 Section 7.12 of the Abused and Neglected Child Reporting Act.  
13 If the State Superintendent of Education does not receive from  
14 an individual a request for a hearing within 10 days after the  
15 individual receives notice, the suspension or revocation shall  
16 immediately take effect in accordance with the notice. If a  
17 hearing is requested within 10 days of notice of opportunity  
18 for hearing, it shall act as a stay of proceedings until the  
19 State Teacher Certification Board issues a decision. Any  
20 hearing shall take place in the educational service region  
21 wherein the educator is or was last employed and in accordance  
22 with rules adopted by the State Board of Education, in  
23 consultation with the State Teacher Certification Board, which  
24 rules shall include without limitation provisions for  
25 discovery and the sharing of information between parties prior  
26 to the hearing. The standard of proof for any administrative

1 hearing held pursuant to this Section shall be by the  
2 preponderance of the evidence. The decision of the State  
3 Teacher Certification Board is a final administrative decision  
4 and is subject to judicial review by appeal of either party.

5 ~~not to exceed 30 days, unless the individual requests a delay.~~  
6 ~~In such an instance, the stay of proceedings must be continued~~  
7 ~~for another 30 days. No certificate shall be suspended until~~  
8 ~~the teacher has an opportunity for a hearing at the educational~~  
9 ~~service region. When a certificate is suspended, the right of~~  
10 ~~appeal shall lie to the State Teacher Certification Board. When~~  
11 ~~an appeal is taken within 10 days after notice of suspension it~~  
12 ~~shall act as a stay of proceedings not to exceed 120 days. If a~~  
13 ~~certificate is suspended for a period greater than one year,~~  
14 ~~the State Superintendent of Education shall review the~~  
15 ~~suspension prior to the expiration of that period to determine~~  
16 ~~whether the cause for the suspension has been remedied or~~  
17 ~~continues to exist. Upon determining that the cause for~~  
18 ~~suspension has not abated, the State Superintendent of~~  
19 ~~Education may order that the suspension be continued for an~~  
20 ~~appropriate period. Nothing in this Section prohibits the~~  
21 ~~continuance of such a suspension for an indefinite period if~~  
22 ~~the State Superintendent determines that the cause for the~~  
23 ~~suspension remains unabated. Any certificate may be revoked for~~  
24 ~~the same reasons as for suspension by the State Superintendent~~  
25 ~~of Education. No certificate shall be revoked until the teacher~~  
26 ~~has an opportunity for a hearing before the State Teacher~~



1 ~~Certification Board, which hearing must be held within 120 days~~  
2 ~~from the date the appeal is taken, unless the State Teacher~~  
3 ~~Certification Board requests a delay. In such an instance, the~~  
4 ~~stay of the revocation proceedings must be continued until the~~  
5 ~~completion of the proceedings.~~

6 The State Board may refuse to issue or may suspend the  
7 certificate of any person who fails to file a return, or to pay  
8 the tax, penalty or interest shown in a filed return, or to pay  
9 any final assessment of tax, penalty or interest, as required  
10 by any tax Act administered by the Illinois Department of  
11 Revenue, until such time as the requirements of any such tax  
12 Act are satisfied.

13 The exclusive authority of the State Superintendent of  
14 Education to initiate suspension or revocation of a certificate  
15 pursuant to this Section does not preclude a regional  
16 superintendent of schools from cooperating with the State  
17 Superintendent or a State's Attorney with respect to an  
18 investigation of alleged misconduct.

19 (b) (Blank). ~~Any certificate issued pursuant to this~~  
20 ~~Article may be suspended for an appropriate length of time as~~  
21 ~~determined by either the regional superintendent or State~~  
22 ~~Superintendent of Education upon evidence that the holder of~~  
23 ~~the certificate has been named as a perpetrator in an indicated~~  
24 ~~report filed pursuant to the Abused and Neglected Child~~  
25 ~~Reporting Act, approved June 26, 1975, as amended, and upon~~  
26 ~~proof by clear and convincing evidence that the licensee has~~

1 ~~caused a child to be an abused child or neglected child as~~  
2 ~~defined in the Abused and Neglected Child Reporting Act.~~

3 ~~The regional superintendent or State Superintendent of~~  
4 ~~Education shall, upon receipt of evidence that the certificate~~  
5 ~~holder has been named a perpetrator in any indicated report,~~  
6 ~~serve written notice to the individual and afford the~~  
7 ~~individual opportunity for a hearing prior to suspension. If a~~  
8 ~~hearing is requested within 10 days of notice of opportunity~~  
9 ~~for hearing, it shall act as a stay of proceedings not to~~  
10 ~~exceed 30 days, unless the individual requests a delay. In such~~  
11 ~~an instance, the stay of proceedings must be continued for~~  
12 ~~another 30 days. No certificate shall be suspended until the~~  
13 ~~teacher has an opportunity for a hearing at the educational~~  
14 ~~service region. When a certificate is suspended, the right of~~  
15 ~~appeal shall lie to the State Teacher Certification Board. When~~  
16 ~~an appeal is taken within 10 days after notice of suspension it~~  
17 ~~shall act as a stay of proceedings not to exceed 120 days. The~~  
18 ~~State Superintendent may revoke any certificate upon proof at~~  
19 ~~hearing by clear and convincing evidence that the certificate~~  
20 ~~holder has caused a child to be an abused child or neglected~~  
21 ~~child as defined in the Abused and Neglected Child Reporting~~  
22 ~~Act. No certificate shall be revoked until the teacher has an~~  
23 ~~opportunity for a hearing before the State Teacher~~  
24 ~~Certification Board, which hearing must be held within 120 days~~  
25 ~~from the date the appeal is taken, unless the teacher or the~~  
26 ~~hearing officer appointed by the State Teacher Certification~~

1 ~~Board requests a delay. In such an instance, the stay of the~~  
2 ~~revocation proceedings must be continued until the completion~~  
3 ~~of the proceedings.~~

4 (b-5) The State Superintendent of Education or his or her  
5 designee may initiate and conduct such investigations as may be  
6 reasonably necessary to establish the existence of any alleged  
7 misconduct. At any stage of the investigation, the State  
8 Superintendent may issue a subpoena requiring the attendance  
9 and testimony of a witness, including the certificate holder,  
10 and the production of any evidence, including files, records,  
11 correspondence, or documents, relating to any matter in  
12 question in the investigation. The subpoena shall require a  
13 witness to appear at the State Board of Education at a  
14 specified date and time and shall specify any evidence to be  
15 produced. The certificate holder is not entitled to be present,  
16 but the State Superintendent shall provide the certificate  
17 holder with a copy of any recorded testimony prior to a hearing  
18 under this Section. Such recorded testimony must not be used as  
19 evidence at a hearing, unless the certificate holder has  
20 adequate notice of the testimony and the opportunity to  
21 cross-examine the witness. Failure of a certificate holder to  
22 comply with a duly-issued, investigatory subpoena may be  
23 grounds for revocation, suspension, or denial of a certificate.

24 (b-10) All correspondence, documentation, and other  
25 information so received by the regional superintendent of  
26 schools, the State Superintendent of Education, the State Board

1 of Education, or the State Teacher Certification Board under  
2 this Section is confidential and must not be disclosed to third  
3 parties, except (i) as necessary for the State Superintendent  
4 of Education or his or her designee to investigate and  
5 prosecute pursuant to this Article, (ii) pursuant to a court  
6 order, (iii) for disclosure to the certificate holder or his or  
7 her representative, or (iv) as otherwise required in this  
8 Article and provided that any such information admitted into  
9 evidence in a hearing shall be exempt from this confidentiality  
10 and non-disclosure requirement.

11 (c) The State Superintendent of Education or a person  
12 designated by him shall have the power to administer oaths to  
13 witnesses at any hearing conducted before the State Teacher  
14 Certification Board pursuant to this Section. The State  
15 Superintendent of Education or a person designated by him is  
16 authorized to subpoena and bring before the State Teacher  
17 Certification Board any person in this State and to take  
18 testimony either orally or by deposition or by exhibit, with  
19 the same fees and mileage and in the same manner as prescribed  
20 by law in judicial proceedings in the civil cases in circuit  
21 courts of this State.

22 (c-5) Any circuit court, upon the application of the State  
23 Superintendent of Education or the certificate holder, may, by  
24 order duly entered, require the attendance of witnesses and the  
25 production of relevant books and papers as part of any  
26 investigation or at any hearing the State Teacher Certification

1 ~~Board State Superintendent of Education~~ is authorized to  
2 conduct pursuant to this Section, and the court may compel  
3 obedience to its orders by proceedings for contempt.

4 (c-10) The State Board of Education shall receive an annual  
5 line item appropriation to cover fees associated with the  
6 investigation and prosecution of alleged educator misconduct  
7 and hearings related thereto.

8 (d) As used in this Section, "teacher" means any school  
9 district employee regularly required to be certified, as  
10 provided in this Article, in order to teach or supervise in the  
11 public schools.

12 (Source: P.A. 93-679, eff. 6-30-04; 94-991, eff. 1-1-07.)

13 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

14 Sec. 21-23a. Conviction of certain offenses ~~sex or~~  
15 ~~narcotics offense, first degree murder, attempted first degree~~  
16 ~~murder, or Class X felony~~ as grounds for revocation of  
17 certificate.

18 (a) Whenever the holder of any certificate issued pursuant  
19 to this Article has been convicted of any sex offense or  
20 narcotics offense as defined in this Section, the ~~regional~~  
21 ~~superintendent or the~~ State Superintendent of Education shall  
22 forthwith suspend the certificate. If the conviction is  
23 reversed and the holder is acquitted of the offense in a new  
24 trial or the charges against him are dismissed, the suspending  
25 authority shall forthwith terminate the suspension of the

1 certificate. When the conviction becomes final, the State  
2 Superintendent of Education shall forthwith revoke the  
3 certificate. "Sex offense" as used in this Section means any  
4 one or more of the following offenses: (1) any offense defined  
5 in Sections 11-6 and 11-9 through 11-9.5, inclusive, ~~and~~  
6 Sections 11-14 through 11-21, inclusive, Sections 11-23 (if  
7 punished as a Class 3 felony), 11-24, 11-25, and 11-26, and  
8 Sections 12-4.9, 12-13, 12-14, 12-14.1, 12-15, ~~and~~ 12-16,  
9 12-32, and 12-33 of the Criminal Code of 1961; (2) any attempt  
10 to commit any of the foregoing offenses, and (3) any offense  
11 committed or attempted in any other state which, if committed  
12 or attempted in this State, would have been punishable as one  
13 or more of the foregoing offenses. "Narcotics offense" as used  
14 in this Section means any one or more of the following  
15 offenses: (1) any offense defined in the Cannabis Control Act,  
16 except those defined in Sections 4(a), 4(b) and 5(a) of that  
17 Act and any offense for which the holder of any certificate is  
18 placed on probation under the provisions of Section 10 of that  
19 Act, provided that if the terms and conditions of probation  
20 required by the court are not fulfilled, the offense is not  
21 eligible for this exception ~~and fulfills the terms and~~  
22 ~~conditions of probation as may be required by the court;~~ (2)  
23 any offense defined in the Illinois Controlled Substances Act,  
24 except any offense for which the holder of any certificate is  
25 placed on probation under the provisions of Section 410 of that  
26 Act, provided that if the terms and conditions of probation

1 required by the court are not fulfilled, the offense is not  
2 eligible for this exception ~~and fulfills the terms and~~  
3 ~~conditions of probation as may be required by the court;~~ (3)  
4 any offense defined in the Methamphetamine Control and  
5 Community Protection Act, except any offense for which the  
6 holder of any certificate is placed on probation under the  
7 provision of Section 70 of that Act, provided that if the terms  
8 and conditions of probation required by the court are not  
9 fulfilled, the offense is not eligible for this exception ~~and~~  
10 ~~fulfills the terms and conditions of probation as may be~~  
11 ~~required by the court;~~ (4) any attempt to commit any of the  
12 foregoing offenses; and (5) any offense committed or attempted  
13 in any other state or against the laws of the United States  
14 which, if committed or attempted in this State, would have been  
15 punishable as one or more of the foregoing offenses. The  
16 changes made by this amendatory Act of the 96th General  
17 Assembly to the definition of "narcotics offense" in this  
18 subsection (a) are declaratory of existing law.

19 (b) Whenever the holder of a certificate issued pursuant to  
20 this Article has been convicted of first degree murder,  
21 attempted first degree murder, conspiracy to commit first  
22 degree murder, attempted conspiracy to commit first degree  
23 murder, or a Class X felony or any offense committed or  
24 attempted in any other state or against the laws of the United  
25 States that, if committed or attempted in this State, would  
26 have been punishable as one or more of the foregoing offenses,

1 ~~the regional superintendent or~~ the State Superintendent of  
2 Education shall forthwith suspend the certificate. If the  
3 conviction is reversed and the holder is acquitted of that  
4 offense in a new trial or the charges that he or she committed  
5 that offense are dismissed, the State Superintendent of  
6 Education ~~suspending authority~~ shall forthwith terminate the  
7 suspension of the certificate. When the conviction becomes  
8 final, the State Superintendent of Education shall forthwith  
9 revoke the certificate. ~~The stated offenses of "first degree~~  
10 ~~murder", "attempted first degree murder", and "Class X felony"~~  
11 ~~referred to in this Section include any offense committed in~~  
12 ~~another state that, if committed in this State, would have been~~  
13 ~~punishable as any one of the stated offenses.~~

14 (Source: P.A. 94-556, eff. 9-11-05.)

15 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

16 Sec. 34-18.5. Criminal history records checks and checks of  
17 the Statewide Sex Offender Database and Statewide Child  
18 Murderer and Violent Offender Against Youth Database.

19 (a) Certified and noncertified applicants for employment  
20 with the school district are required as a condition of  
21 employment to authorize a fingerprint-based criminal history  
22 records check to determine if such applicants have been  
23 convicted of any of the enumerated criminal or drug offenses in  
24 subsection (c) of this Section or have been convicted, within 7  
25 years of the application for employment with the school



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

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

24 (a-6) The school district or regional superintendent shall  
25 further perform a check of the Statewide Child Murderer and  
26 Violent Offender Against Youth Database, as authorized by the

1 Child Murderer and Violent Offender Against Youth Community  
2 Notification Law, for each applicant.

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

1 criminal or drug offenses in subsection (c) or has not been  
2 convicted, within 7 years of the application for employment  
3 with the school district, of any other felony under the laws of  
4 this State or of any offense committed or attempted in any  
5 other state or against the laws of the United States that, if  
6 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) The board of education shall not knowingly employ a  
11 person who has been convicted of any offense that would subject  
12 him or her to certification suspension or revocation pursuant  
13 to Section 21-23a of this Code. ~~for committing attempted first~~  
14 ~~degree murder or for committing or attempting to commit first~~  
15 ~~degree murder or a Class X felony or any one or more of the~~  
16 ~~following offenses: (i) those defined in Sections 11 6, 11 9,~~  
17 ~~11 14, 11 15, 11 15.1, 11 16, 11 17, 11 18, 11 19, 11 19.1,~~  
18 ~~11 19.2, 11 20, 11 20.1, 11 21, 12 13, 12 14, 12 14.1, 12 15~~  
19 ~~and 12 16 of the Criminal Code of 1961; (ii) those defined in~~  
20 ~~the Cannabis Control Act, except those defined in Sections~~  
21 ~~4(a), 4(b) and 5(a) of that Act; (iii) those defined in the~~  
22 ~~Illinois Controlled Substances Act; (iv) those defined in the~~  
23 ~~Methamphetamine Control and Community Protection Act; and (v)~~  
24 ~~any offense committed or attempted in any other state or~~  
25 ~~against the laws of the United States, which if committed or~~  
26 ~~attempted in this State, would have been punishable as one or~~

1 ~~more of the foregoing offenses.~~ Further, the board of education  
2 shall not knowingly employ a person who has been found to be  
3 the perpetrator of sexual or physical abuse of any minor under  
4 18 years of age pursuant to proceedings under Article II of the  
5 Juvenile Court Act of 1987.

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 has not been initiated.

9 (e) Upon receipt of the record of a conviction of or a  
10 finding of child abuse by a holder of any certificate issued  
11 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
12 Code, the ~~board of education or the~~ State Superintendent of  
13 Education may ~~shall~~ initiate ~~the~~ certificate suspension and  
14 revocation proceedings as authorized by law.

15 (e-5) The general superintendent of schools shall, in  
16 writing, notify the State Superintendent of Education of any  
17 certificate holder whom he or she has reasonable cause to  
18 believe has committed an intentional act of abuse or neglect  
19 with the result of making a child an abused child or a  
20 neglected child, as defined in Section 3 of the Abused and  
21 Neglected Child Reporting Act, and that act resulted in the  
22 certificate holder's dismissal or resignation from the school  
23 district. This notification must be submitted within 30 days  
24 after the dismissal or resignation. The certificate holder must  
25 also be contemporaneously sent a copy of the notice by the  
26 superintendent. All correspondence, documentation, and other

1 information so received by the State Superintendent of  
2 Education, the State Board of Education, or the State Teacher  
3 Certification Board under this subsection (e-5) is  
4 confidential and must not be disclosed to third parties, except  
5 (i) as necessary for the State Superintendent of Education or  
6 his or her designee to investigate and prosecute pursuant to  
7 Article 21 of this Code, (ii) pursuant to a court order, (iii)  
8 for disclosure to the certificate holder or his or her  
9 representative, or (iv) as otherwise provided in this Article  
10 and provided that any such information admitted into evidence  
11 in a hearing is exempt from this confidentiality and  
12 non-disclosure requirement. Except for an act of willful or  
13 wanton misconduct, any superintendent who provides  
14 notification as required in this subsection (e-5) shall have  
15 immunity from any liability, whether civil or criminal or that  
16 otherwise might result by reason of such action.

17 (f) After March 19, 1990, the provisions of this Section  
18 shall apply to all employees of persons or firms holding  
19 contracts with any school district including, but not limited  
20 to, food service workers, school bus drivers and other  
21 transportation employees, who have direct, daily contact with  
22 the pupils of any school in such district. For purposes of  
23 criminal history records checks and checks of the Statewide Sex  
24 Offender Database on employees of persons or firms holding  
25 contracts with more than one school district and assigned to  
26 more than one school district, the regional superintendent of

1 the educational service region in which the contracting school  
2 districts are located may, at the request of any such school  
3 district, be responsible for receiving the authorization for a  
4 criminal history records check prepared by each such employee  
5 and submitting the same to the Department of State Police and  
6 for conducting a check of the Statewide Sex Offender Database  
7 for each employee. Any information concerning the record of  
8 conviction and identification as a sex offender of any such  
9 employee obtained by the regional superintendent shall be  
10 promptly reported to the president of the appropriate school  
11 board or school boards.

12 (Source: P.A. 94-219, eff. 7-14-05; 94-556, eff. 9-11-05;  
13 94-875, eff. 7-1-06; 94-945, eff. 6-27-06; 95-331, eff.  
14 8-21-07.)

15 Section 99. Effective date. This Act takes effect July 1,  
16 2009.



1 INDEX

2 Statutes amended in order of appearance

3	55 ILCS 5/3-9005	from Ch. 34, par. 3-9005
4	105 ILCS 5/3-11	from Ch. 122, par. 3-11
5	105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
6	105 ILCS 5/10-22.39	from Ch. 122, par. 10-22.39
7	105 ILCS 5/21-1	from Ch. 122, par. 21-1
8	105 ILCS 5/21-23	from Ch. 122, par. 21-23
9	105 ILCS 5/21-23a	from Ch. 122, par. 21-23a
10	105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5