

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