



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 3375

2 AMENDMENT NO. _____. Amend Senate Bill 3375 on page 1,
3 lines 4 and 5, by replacing "Section 10-21.9" with "Sections
4 10-21.9 and 34-18.5"; and

5 on page 8, immediately below line 21, by inserting the
6 following:

7 "(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

11 (a) Certified and noncertified applicants for employment
12 with the school district are required as a condition of
13 employment to authorize a fingerprint-based criminal history
14 records check to determine if such applicants have been
15 convicted of any of the enumerated criminal or drug offenses in
16 subsection (c) of this Section or have been convicted, within 7

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

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

25 (a-5) The school district or regional superintendent shall
26 further perform a check of the Statewide Sex Offender Database,

1 as authorized by the Sex Offender Community Notification Law,
2 for each applicant.

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

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

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

1 that the regional superintendent conducted a check of the
2 Statewide Sex Offender Database, the applicant has not been
3 identified in the Database as a sex offender. The school board
4 of any school district may rely on the certificate issued by
5 any regional superintendent to that substitute teacher,
6 concurrent part-time teacher, or concurrent educational
7 support personnel employee or may initiate its own criminal
8 history records check of the applicant through the Department
9 of State Police and its own check of the Statewide Sex Offender
10 Database as provided in subsection (a). Any person who releases
11 any confidential information concerning any criminal
12 convictions of an applicant for employment shall be guilty of a
13 Class A misdemeanor, unless the release of such information is
14 authorized by this Section.

15 (c) The board of education shall not knowingly employ a
16 person who has been convicted of any offense that would subject
17 him or her to certification suspension or revocation pursuant
18 to Section 21-23a of this Code. Further, the board of education
19 shall not knowingly employ a person who has been found to be
20 the perpetrator of sexual or physical abuse of any minor under
21 18 years of age pursuant to proceedings under Article II of the
22 Juvenile Court Act of 1987.

23 (d) The board of education shall not knowingly employ a
24 person for whom a criminal history records check and a
25 Statewide Sex Offender Database check has not been initiated.

26 (e) Upon receipt of the record of a conviction of or a

1 finding of child abuse by a holder of any certificate issued
2 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
3 Code, the State Superintendent of Education may initiate
4 certificate suspension and revocation proceedings as
5 authorized by law.

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

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

8 (f) After March 19, 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. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09.)".