



Rep. Norine Hammond

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09700HB5002ham001

LRB097 15040 NHT 66401 a

1 AMENDMENT TO HOUSE BILL 5002

2 AMENDMENT NO. _____. Amend House Bill 5002 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-21.9 and 34-18.5 as follows:

6 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

10 (a) Certified and noncertified applicants for employment
11 with a school district, except as provided in subsection (d-5)
12 of this Section and except for school bus driver applicants,
13 are required as a condition of employment to authorize a
14 fingerprint-based criminal history records check to determine
15 if such applicants have been convicted of any of the enumerated
16 criminal or drug offenses in subsection (c) of this Section or

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

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

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

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

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

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

1 identified in the Database as a sex offender. The school board
2 of any school district may rely on the certificate issued by
3 any regional superintendent to that substitute teacher,
4 concurrent part-time teacher, or concurrent educational
5 support personnel employee or may initiate its own criminal
6 history records check of the applicant through the Department
7 of State Police and its own check of the Statewide Sex Offender
8 Database as provided in subsection (a). Any person who releases
9 any confidential information concerning any criminal
10 convictions of an applicant for employment shall be guilty of a
11 Class A misdemeanor, unless the release of such information is
12 authorized by this Section.

13 (c) No school board shall knowingly employ a person who has
14 been convicted of any offense that would subject him or her to
15 license suspension or revocation pursuant to Section 21B-80 of
16 this Code. Further, no school board shall knowingly employ a
17 person who has been found to be the perpetrator of sexual or
18 physical abuse of any minor under 18 years of age pursuant to
19 proceedings under Article II of the 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 (d-5) The requirements of this Section do not apply to
24 individuals who (i) submitted to a fingerprint-based criminal
25 history records check as a condition of employment with a
26 school district and (ii) upon retirement from employment with

1 that school district, has sought and obtained employment with
2 that school district as a substitute teacher. A school district
3 may require an applicant for employment as described in this
4 subsection (d-5) to submit to a fingerprint-based criminal
5 history records check through the Federal Bureau of
6 Investigation and a check of the Statewide Sex Offender
7 Database and the Statewide Murderer and Violent Offender
8 Against Youth Database.

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 State Superintendent of Education may initiate
13 certificate suspension and revocation proceedings as
14 authorized by law.

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

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

19 (f) After January 1, 1990 the provisions of this Section
20 shall apply to all employees of persons or firms holding
21 contracts with any school district including, but not limited
22 to, food service workers, school bus drivers and other
23 transportation employees, who have direct, daily contact with
24 the pupils of any school in such district. For purposes of
25 criminal history records checks and checks of the Statewide Sex
26 Offender Database on employees of persons or firms holding

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

14 (g) In order to student teach in the public schools, a
15 person is required to authorize a fingerprint-based criminal
16 history records check and checks of the Statewide Sex Offender
17 Database and Statewide Murderer and Violent Offender Against
18 Youth Database prior to participating in any field experiences
19 in the public schools. Authorization for and payment of the
20 costs of the checks must be furnished by the student teacher.
21 Results of the checks must be furnished to the higher education
22 institution where the student teacher is enrolled and the
23 superintendent of the school district where the student is
24 assigned.

25 (h) Upon request of a school, school district, community
26 college district, or private school, any information obtained

1 by a school district pursuant to subsection (f) of this Section
2 within the last year must be made available to that school,
3 school district, community college district, or private
4 school.

5 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
6 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;
7 97-607, eff. 8-26-11; revised 9-21-11.)

8 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

12 (a) Certified and noncertified applicants for employment
13 with the school district, except as provided in subsection
14 (d-5) of this Section, are required as a condition of
15 employment to authorize a fingerprint-based criminal history
16 records check to determine if such applicants have been
17 convicted of any of the enumerated criminal or drug offenses in
18 subsection (c) of this Section or have been convicted, within 7
19 years of the application for employment with the school
20 district, of any other felony under the laws of this State or
21 of any offense committed or attempted in any other state or
22 against the laws of the United States that, if committed or
23 attempted in this State, would have been punishable as a felony
24 under the laws of this State. Authorization for the check shall
25 be furnished by the applicant to the school district, except

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

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

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

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

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

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

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

1 convictions of an applicant for employment shall be guilty of a
2 Class A misdemeanor, unless the release of such information is
3 authorized by this Section.

4 (c) The board of education shall not knowingly employ a
5 person who has been convicted of any offense that would subject
6 him or her to license suspension or revocation pursuant to
7 Section 21B-80 of this Code. Further, the board of education
8 shall not knowingly employ a person who has been found to be
9 the perpetrator of sexual or physical abuse of any minor under
10 18 years of age pursuant to proceedings under Article II of the
11 Juvenile Court Act of 1987.

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

15 (d-5) The requirements of this Section do not apply to
16 individuals who (i) submitted to a fingerprint-based criminal
17 history records check as a condition of employment with the
18 school district and (ii) upon retirement from employment with
19 the school district, has sought and obtained employment with
20 the school district as a substitute teacher. The school
21 district may require an applicant for employment as described
22 in this subsection (d-5) to submit to a fingerprint-based
23 criminal history records check through the Federal Bureau of
24 Investigation and a check of the Statewide Sex Offender
25 Database and the Statewide Murderer and Violent Offender
26 Against Youth Database.

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

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

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

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

1 employee obtained by the regional superintendent shall be
2 promptly reported to the president of the appropriate school
3 board or school boards.

4 (g) In order to student teach in the public schools, a
5 person is required to authorize a fingerprint-based criminal
6 history records check and checks of the Statewide Sex Offender
7 Database and Statewide Murderer and Violent Offender Against
8 Youth Database prior to participating in any field experiences
9 in the public schools. Authorization for and payment of the
10 costs of the checks must be furnished by the student teacher.
11 Results of the checks must be furnished to the higher education
12 institution where the student teacher is enrolled and the
13 general superintendent of schools.

14 (h) Upon request of a school, school district, community
15 college district, or private school, any information obtained
16 by the school district pursuant to subsection (f) of this
17 Section within the last year must be made available to that
18 school, school district, community college district, or
19 private school.

20 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
21 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;
22 revised 9-28-11.)

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