



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5914

by Rep. David McSweeney - Mary E. Flowers - Grant Wehrli and Jonathan Carroll

SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act to provide that in the case of sexual assault or sexual abuse by school district personnel, nothing in the Act prohibits a school district from disclosing disciplinary records of school district personnel. Amends the School Code to require a school board to report all credible cases of sexual assault or sexual abuse by a licensed educator to the State Board of Education, to establish a hearing procedure for student victims, and to ensure that a licensed educator under investigation by the State Superintendent of Education is reassigned to non-classroom duty. Provides that, beginning with the 2018-2019 school year, the State Board of Education must monitor all fingerprint-based criminal history records checks and any other database checks conducted by a school district or regional superintendent for applicants for employment with a school district. Makes changes concerning educator licensure and allegations of physical or sexual abuse. Amends the Criminal Code of 2012 to create the criminal offense of sexual conduct or sexual relations with a student by an authority figure. Amends the Code of Criminal Procedure of 1963 to require an arresting enforcement agency to share its reports pertaining to the arrest of a licensed educator with the superintendent of any school district that employs the educator (or, in the case of the arrest of a superintendent, with the school board of any school district that employs the superintendent). Amends the Personnel Record Review Act to provide that the Act does not prohibit a school district from divulging internal investigative findings and discipline to another school district. Effective immediately.

LRB100 22387 AXK 41273 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Freedom of Information Act is amended by
5 adding Section 7.7 as follows:

6 (5 ILCS 140/7.7 new)

7 Sec. 7.7. Disciplinary records of school district
8 personnel. In the case of sexual assault or sexual abuse by
9 school district personnel, nothing in this Act prohibits a
10 school district from disclosing disciplinary records of school
11 district personnel.

12 Section 10. The School Code is amended by changing Sections
13 10-21.9, 21B-15, 21B-75, 21B-80, 34-18.5, and 34-84b and by
14 adding Sections 10-30 and 34-18.60 as follows:

15 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

16 Sec. 10-21.9. Criminal history records checks and checks of
17 the Statewide Sex Offender Database and Statewide Murderer and
18 Violent Offender Against Youth Database.

19 (a) Certified and noncertified applicants for employment
20 with a school district, except school bus driver applicants,
21 are required as a condition of employment to authorize a

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

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

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

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

10 (b) Any information concerning the record of convictions
11 obtained by the president of the school board or the regional
12 superintendent shall be confidential and may only be
13 transmitted to the superintendent of the school district or his
14 designee, the appropriate regional superintendent if the check
15 was requested by the school district, the presidents of the
16 appropriate school boards if the check was requested from the
17 Department of State Police by the regional superintendent, the
18 State Superintendent of Education, the State Teacher
19 Certification Board, any other person necessary to the decision
20 of hiring the applicant for employment, or for clarification
21 purposes the Department of State Police or Statewide Sex
22 Offender Database, or both. A copy of the record of convictions
23 obtained from the Department of State Police shall be provided
24 to the applicant for employment. Upon the check of the
25 Statewide Sex Offender Database, the school district or
26 regional superintendent shall notify an applicant as to whether

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

1 committed or attempted in this State, would have been
2 punishable as a felony under the laws of this State and
3 evidencing that as of the date that the regional superintendent
4 conducted a check of the Statewide Sex Offender Database, the
5 applicant has not been identified in the Database as a sex
6 offender. The school board of any school district may rely on
7 the certificate issued by any regional superintendent to that
8 substitute teacher, concurrent part-time teacher, or
9 concurrent educational support personnel employee or may
10 initiate its own criminal history records check of the
11 applicant through the Department of State Police and its own
12 check of the Statewide Sex Offender Database as provided in
13 subsection (a). Any unauthorized release of confidential
14 information may be a violation of Section 7 of the Criminal
15 Identification Act.

16 (c) No school board shall knowingly employ a person who has
17 been convicted of any offense that would subject him or her to
18 license suspension or revocation pursuant to Section 21B-80 of
19 this Code. Further, no school board shall knowingly employ a
20 person who has been found to be the perpetrator of sexual or
21 physical abuse of any minor under 18 years of age pursuant to
22 proceedings under Article II of the Juvenile Court Act of 1987.

23 (d) No school board shall knowingly employ a person for
24 whom a criminal history records check and a Statewide Sex
25 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 superintendent of the employing school board
7 shall, in writing, notify the State Superintendent of Education
8 and the applicable regional superintendent of schools 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 regional superintendent of
20 schools, the State Superintendent of Education, the State Board
21 of Education, or the State Teacher Certification Board under
22 this subsection (e-5) is confidential and must not be disclosed
23 to third parties, except (i) as necessary for the State
24 Superintendent of Education or his or her designee to
25 investigate and prosecute pursuant to Article 21 of this Code,
26 (ii) pursuant to a court order, (iii) for disclosure to the

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

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

1 conviction and identification as a sex offender of any such
2 employee obtained by the regional superintendent shall be
3 promptly reported to the president of the appropriate school
4 board or school boards.

5 (f-5) Upon request of a school or school district, any
6 information obtained by a school district pursuant to
7 subsection (f) of this Section within the last year must be
8 made available to the requesting school or school district.

9 (g) Prior to the commencement of any student teaching
10 experience or required internship (which is referred to as
11 student teaching in this Section) in the public schools, a
12 student teacher is required to authorize a fingerprint-based
13 criminal history records check. Authorization for and payment
14 of the costs of the check must be furnished by the student
15 teacher to the school district where the student teaching is to
16 be completed. Upon receipt of this authorization and payment,
17 the school district shall submit the student teacher's name,
18 sex, race, date of birth, social security number, fingerprint
19 images, and other identifiers, as prescribed by the Department
20 of State Police, to the Department of State Police. The
21 Department of State Police and the Federal Bureau of
22 Investigation shall furnish, pursuant to a fingerprint-based
23 criminal history records check, records of convictions,
24 forever and hereinafter, until expunged, to the president of
25 the school board for the school district that requested the
26 check. The Department shall charge the school district a fee

1 for conducting the check, which fee must not exceed the cost of
2 the inquiry and must be deposited into the State Police
3 Services Fund. The school district shall further perform a
4 check of the Statewide Sex Offender Database, as authorized by
5 the Sex Offender Community Notification Law, and of the
6 Statewide Murderer and Violent Offender Against Youth
7 Database, as authorized by the Murderer and Violent Offender
8 Against Youth Registration Act, for each student teacher. No
9 school board may knowingly allow a person to student teach for
10 whom a criminal history records check, a Statewide Sex Offender
11 Database check, and a Statewide Murderer and Violent Offender
12 Against Youth Database check have not been completed and
13 reviewed by the district.

14 A copy of the record of convictions obtained from the
15 Department of State Police must be provided to the student
16 teacher. Any information concerning the record of convictions
17 obtained by the president of the school board is confidential
18 and may only be transmitted to the superintendent of the school
19 district or his or her designee, the State Superintendent of
20 Education, the State Educator Preparation and Licensure Board,
21 or, for clarification purposes, the Department of State Police
22 or the Statewide Sex Offender Database or Statewide Murderer
23 and Violent Offender Against Youth Database. Any unauthorized
24 release of confidential information may be a violation of
25 Section 7 of the Criminal Identification Act.

26 No school board may knowingly allow a person to student

1 teach who has been convicted of any offense that would subject
2 him or her to license suspension or revocation pursuant to
3 Section 21B-80 of this Code or who has been found to be the
4 perpetrator of sexual or physical abuse of a minor under 18
5 years of age pursuant to proceedings under Article II of the
6 Juvenile Court Act of 1987.

7 (h) (Blank).

8 (i) Beginning with the 2018-2019 school year, the State
9 Board of Education must monitor all fingerprint-based criminal
10 history records checks and any other database checks conducted
11 under this Section.

12 (Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

13 (105 ILCS 5/10-30 new)

14 Sec. 10-30. Sexual assault or sexual abuse by a licensed
15 educator.

16 (a) A school board must report all credible cases of sexual
17 assault or sexual abuse by a licensed educator to the State
18 Board of Education.

19 (b) A school board must establish a hearing procedure for
20 student victims of alleged sexual assault or sexual abuse by a
21 licensed educator that allows a student victim to testify. In
22 such cases, an attorney retained by the school district may not
23 interview the student without:

24 (1) the consent of the student or the student's parent
25 or legal guardian if the student is a minor; and

1 (2) the student's parent or legal guardian, the
2 student's legal representative, or both in the room.

3 As part of the hearing procedure, an attorney retained by
4 the school district may not interview the student 2 or more
5 times without good cause being shown and recorded. If 2 or more
6 interviews take place, the attorney retained by the school
7 district who has control over the investigation must maintain a
8 record, which shall be part of the legal record of the
9 investigation, to show why 2 or more interviews took place. The
10 student, student's legal representative, or student's family
11 shall have continuous access to the record.

12 (c) A school board shall ensure that a licensed educator
13 under investigation by the State Superintendent of Education or
14 his or her designee for alleged sexual assault or sexual abuse
15 is reassigned to non-classroom duty.

16 (105 ILCS 5/21B-15)

17 Sec. 21B-15. Qualifications of educators.

18 (a) No one may be licensed to teach or supervise or be
19 otherwise employed in the public schools of this State who is
20 not of good character and at least 19 years of age.

21 In determining good character under this Section, the State
22 Superintendent of Education shall take into consideration the
23 disciplinary actions of other states or national entities
24 against certificates or licenses issued by those states and
25 held by individuals from those states. In addition, any felony

1 conviction of the applicant may be taken into consideration;
2 however, no one may be licensed to teach or supervise in the
3 public schools of this State who has been convicted of (i) an
4 offense set forth in subsection (b) of Section 21B-80 of this
5 Code until 7 years following the end of the sentence for the
6 criminal offense or (ii) an offense set forth in subsection (c)
7 of Section 21B-80 of this Code. Unless the conviction is for an
8 offense set forth in Section 21B-80 of this Code, an applicant
9 must be permitted to submit character references or other
10 written material before such a conviction or other information
11 regarding the applicant's character may be used by the State
12 Superintendent of Education as a basis for denying the
13 application.

14 In addition, no one may be licensed to teach or supervise
15 in the public schools of this State who has been dismissed by a
16 school district for physical or sexual assault or abuse of a
17 co-worker or a pupil.

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

25 (c) No person may be granted or continue to hold an
26 educator license who has knowingly altered or misrepresented

1 his or her qualifications, in this State or any other state, in
2 order to acquire or renew the license. Any other license issued
3 under this Article held by the person may be suspended or
4 revoked by the State Educator Preparation and Licensure Board,
5 depending upon the severity of the alteration or
6 misrepresentation.

7 (d) 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 an educator license granted by
10 the State Superintendent of Education as provided in this
11 Article. However, the provisions of this Article do not apply
12 to a member of the armed forces who is employed as a teacher of
13 subjects in the Reserve Officers' Training Corps of any school,
14 nor to an individual teaching a dual credit course as provided
15 for in the Dual Credit Quality Act.

16 (e) Notwithstanding any other provision of this Code, the
17 school board of a school district may grant to a teacher of the
18 district a leave of absence with full pay for a period of not
19 more than one year to permit the teacher to teach in a foreign
20 state under the provisions of the Exchange Teacher Program
21 established under Public Law 584, 79th Congress, and Public Law
22 402, 80th Congress, as amended. The school board granting the
23 leave of absence may employ, with or without pay, a national of
24 the foreign state wherein the teacher on the leave of absence
25 is to teach if the national is qualified to teach in that
26 foreign state and if that national is to teach in a grade level

1 similar to the one that was taught in the foreign state. The
2 State Board of Education, in consultation with the State
3 Educator Preparation and Licensure Board, may adopt rules as
4 may be necessary to implement this subsection (e).

5 (Source: P.A. 99-667, eff. 7-29-16; 100-13, eff. 7-1-17.)

6 (105 ILCS 5/21B-75)

7 Sec. 21B-75. Suspension or revocation of license.

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

12 (b) 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, in consultation with
15 the State Educator Preparation and Licensure Board, to initiate
16 the suspension of up to 5 calendar years or revocation of any
17 license issued pursuant to this Article for abuse or neglect of
18 a child, immorality, a condition of health detrimental to the
19 welfare of pupils, incompetency, unprofessional conduct (which
20 includes the failure to disclose on an employment application
21 any previous conviction for a sex offense, as defined in
22 Section 21B-80 of this Code, or any other offense committed in
23 any other state or against the laws of the United States that,
24 if committed in this State, would be punishable as a sex
25 offense, as defined in Section 21B-80 of this Code), the

1 neglect of any professional duty, willful failure to report an
2 instance of suspected child abuse or neglect as required by the
3 Abused and Neglected Child Reporting Act, failure to establish
4 satisfactory repayment on an educational loan guaranteed by the
5 Illinois Student Assistance Commission, or other just cause.
6 Unprofessional conduct shall include the refusal to attend or
7 participate in institutes, teachers' meetings, or professional
8 readings or to meet other reasonable requirements of the
9 regional superintendent of schools or State Superintendent of
10 Education. Unprofessional conduct also includes conduct that
11 violates the standards, ethics, or rules applicable to the
12 security, administration, monitoring, or scoring of or the
13 reporting of scores from any assessment test or examination
14 administered under Section 2-3.64a-5 of this Code or that is
15 known or intended to produce or report manipulated or
16 artificial, rather than actual, assessment or achievement
17 results or gains from the administration of those tests or
18 examinations. Unprofessional conduct shall also include
19 neglect or unnecessary delay in the making of statistical and
20 other reports required by school officers. Incompetency shall
21 include, without limitation, 2 or more school terms of service
22 for which the license holder has received an unsatisfactory
23 rating on a performance evaluation conducted pursuant to
24 Article 24A of this Code within a period of 7 school terms of
25 service. In determining whether to initiate action against one
26 or more licenses based on incompetency and the recommended

1 sanction for such action, the State Superintendent shall
2 consider factors that include without limitation all of the
3 following:

4 (1) Whether the unsatisfactory evaluation ratings
5 occurred prior to June 13, 2011 (the effective date of
6 Public Act 97-8).

7 (2) Whether the unsatisfactory evaluation ratings
8 occurred prior to or after the implementation date, as
9 defined in Section 24A-2.5 of this Code, of an evaluation
10 system for teachers in a school district.

11 (3) Whether the evaluator or evaluators who performed
12 an unsatisfactory evaluation met the pre-licensure and
13 training requirements set forth in Section 24A-3 of this
14 Code.

15 (4) The time between the unsatisfactory evaluation
16 ratings.

17 (5) The quality of the remediation plans associated
18 with the unsatisfactory evaluation ratings and whether the
19 license holder successfully completed the remediation
20 plans.

21 (6) Whether the unsatisfactory evaluation ratings were
22 related to the same or different assignments performed by
23 the license holder.

24 (7) Whether one or more of the unsatisfactory
25 evaluation ratings occurred in the first year of a teaching
26 or administrative assignment.

1 When initiating an action against one or more licenses, the
2 State Superintendent may seek required professional
3 development as a sanction in lieu of or in addition to
4 suspension or revocation. Any such required professional
5 development must be at the expense of the license holder, who
6 may use, if available and applicable to the requirements
7 established by administrative or court order, training,
8 coursework, or other professional development funds in
9 accordance with the terms of an applicable collective
10 bargaining agreement entered into after June 13, 2011 (the
11 effective date of Public Act 97-8), unless that agreement
12 specifically precludes use of funds for such purpose.

13 (c) The State Superintendent of Education shall, upon
14 receipt of evidence of abuse or neglect of a child, immorality,
15 a condition of health detrimental to the welfare of pupils,
16 incompetency (subject to subsection (b) of this Section),
17 unprofessional conduct, the neglect of any professional duty,
18 or other just cause, further investigate and, if and as
19 appropriate, serve written notice to the individual and afford
20 the individual opportunity for a hearing prior to suspension,
21 revocation, or other sanction; provided that the State
22 Superintendent is under no obligation to initiate such an
23 investigation if the Department of Children and Family Services
24 is investigating the same or substantially similar allegations
25 and its child protective service unit has not made its
26 determination, as required under Section 7.12 of the Abused and

1 Neglected Child Reporting Act. If the State Superintendent of
2 Education does not receive from an individual a request for a
3 hearing within 10 days after the individual receives notice,
4 the suspension, revocation, or other sanction shall
5 immediately take effect in accordance with the notice. If a
6 hearing is requested within 10 days after notice of an
7 opportunity for hearing, it shall act as a stay of proceedings
8 until the State Educator Preparation and Licensure Board issues
9 a decision. Any hearing shall take place in the educational
10 service region where the educator is or was last employed and
11 in accordance with rules adopted by the State Board of
12 Education, in consultation with the State Educator Preparation
13 and Licensure Board, and such rules shall include without
14 limitation provisions for discovery and the sharing of
15 information between parties prior to the hearing. The standard
16 of proof for any administrative hearing held pursuant to this
17 Section shall be by the preponderance of the evidence. The
18 decision of the State Educator Preparation and Licensure Board
19 is a final administrative decision and is subject to judicial
20 review by appeal of either party.

21 The State Board of Education may refuse to issue or may
22 suspend the license of any person who fails to file a return or
23 to pay the tax, penalty, or interest shown in a filed return or
24 to pay any final assessment of tax, penalty, or interest, as
25 required by any tax Act administered by the Department of
26 Revenue, until such time as the requirements of any such tax

1 Act are satisfied.

2 The exclusive authority of the State Superintendent of
3 Education to initiate suspension or revocation of a license
4 pursuant to this Section does not preclude a regional
5 superintendent of schools from cooperating with the State
6 Superintendent or a State's Attorney with respect to an
7 investigation of alleged misconduct.

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

1 suspension, or denial of a license.

2 (d-5) If a credible allegation of sexual assault or sexual
3 abuse is made against a license holder, the State Educator
4 Preparation and Licensure Board must issue a decision within 12
5 months after receipt of notice of the alleged misconduct.

6 If investigation by the State Superintendent of Education
7 or his or her designee of the alleged misconduct includes an
8 interview of an alleged victim, the interview must be conducted
9 under the same conditions as provided in subsection (b) of
10 Section 10-30. If the alleged victim was previously interviewed
11 by an attorney retained by the school district, then the State
12 Superintendent of Education or his or her designee must
13 maintain a record, which shall be part of the legal record of
14 the investigation, to show why the new interview took place.
15 The alleged victim, alleged victim's legal representative, or
16 alleged victim's family shall have continuous access to the
17 record.

18 If a school district reports an allegation of sexual
19 assault or sexual abuse against a license holder, the State
20 Superintendent of Education must publicly report the outcome of
21 the resulting hearing and investigation, including cases in
22 which the license holder was exonerated. In addition, the State
23 Superintendent of Education must make a partial disclosure when
24 a license holder has been reassigned to non-classroom duty. The
25 partial disclosure is not required to include the exact
26 allegations, but must name the educator to verify his or her

1 reassignment to non-classroom duty.

2 The State Board of Education must collect and list
3 internally data reported to it from school districts regarding
4 allegations of sexual assault or sexual abuse. The State Board
5 of Education must make its list of reported cases and pending
6 cases regarding allegations of sexual assault or sexual abuse
7 available to the education agencies of other states that keep
8 similar lists. In addition, the State Board of Education may,
9 by interstate agreement or interstate compact, develop a
10 formalized reciprocal database of educator professionals.

11 (e) All correspondence, documentation, and other
12 information so received by the regional superintendent of
13 schools, the State Superintendent of Education, the State Board
14 of Education, or the State Educator Preparation and Licensure
15 Board under this Section is confidential and must not be
16 disclosed to third parties, except (i) as necessary for the
17 State Superintendent of Education or his or her designee to
18 investigate and prosecute pursuant to this Article, (ii)
19 pursuant to a court order, (iii) for disclosure to the license
20 holder or his or her representative, or (iv) as otherwise
21 required in this Article and provided that any such information
22 admitted into evidence in a hearing is exempt from this
23 confidentiality and non-disclosure requirement.

24 (f) The State Superintendent of Education or a person
25 designated by him or her shall have the power to administer
26 oaths to witnesses at any hearing conducted before the State

1 Educator Preparation and Licensure Board pursuant to this
2 Section. The State Superintendent of Education or a person
3 designated by him or her is authorized to subpoena and bring
4 before the State Educator Preparation and Licensure Board any
5 person in this State and to take testimony either orally or by
6 deposition or by exhibit, with the same fees and mileage and in
7 the same manner as prescribed by law in judicial proceedings in
8 civil cases in circuit courts of this State.

9 (g) Any circuit court, upon the application of the State
10 Superintendent of Education or the license holder, may, by
11 order duly entered, require the attendance of witnesses and the
12 production of relevant books and papers as part of any
13 investigation or at any hearing the State Educator Preparation
14 and Licensure Board is authorized to conduct pursuant to this
15 Section, and the court may compel obedience to its orders by
16 proceedings for contempt.

17 (h) The State Board of Education shall receive an annual
18 line item appropriation to cover fees associated with the
19 investigation and prosecution of alleged educator misconduct
20 and hearings related thereto.

21 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.
22 6-13-11; 97-813, eff. 7-13-12; 98-972, eff. 8-15-14.)

23 (105 ILCS 5/21B-80)

24 Sec. 21B-80. Conviction of certain offenses as grounds for
25 disqualification for licensure or suspension or revocation of a

1 license.

2 (a) As used in this Section:

3 "Drug offense" means any one or more of the following
4 offenses:

5 (1) Any offense defined in the Cannabis Control Act,
6 except those defined in subdivisions (a), (b), and (c) of
7 Section 4 and subdivisions (a) and (b) of Section 5 of the
8 Cannabis Control Act and any offense for which the holder
9 of a license is placed on probation under the provisions of
10 Section 10 of the Cannabis Control Act, provided that if
11 the terms and conditions of probation required by the court
12 are not fulfilled, the offense is not eligible for this
13 exception.

14 (2) Any offense defined in the Illinois Controlled
15 Substances Act, except any offense for which the holder of
16 a license is placed on probation under the provisions of
17 Section 410 of the Illinois Controlled Substances Act,
18 provided that if the terms and conditions of probation
19 required by the court are not fulfilled, the offense is not
20 eligible for this exception.

21 (3) Any offense defined in the Methamphetamine Control
22 and Community Protection Act, except any offense for which
23 the holder of a license is placed on probation under the
24 provision of Section 70 of that Act, provided that if the
25 terms and conditions of probation required by the court are
26 not fulfilled, the offense is not eligible for this

1 exception.

2 (4) Any attempt to commit any of the offenses listed in
3 items (1) through (3) of this definition.

4 (5) Any offense committed or attempted in any other
5 state or against the laws of the United States that, if
6 committed or attempted in this State, would have been
7 punishable as one or more of the offenses listed in items
8 (1) through (4) of this definition.

9 The changes made by Public Act 96-431 to this definition are
10 declaratory of existing law.

11 "Sentence" includes any period of supervision or probation
12 that was imposed either alone or in combination with a period
13 of incarceration.

14 "Sex offense" means any one or more of the following
15 offenses:

16 (A) Any offense defined in Sections 11-6, 11-9 through
17 11-9.5, inclusive, and 11-30 (if punished as a Class 4
18 felony) of the Criminal Code of 1961 or the Criminal Code
19 of 2012; Sections 11-14.1 through 11-21, inclusive, of the
20 Criminal Code of 1961 or the Criminal Code of 2012;
21 Sections 11-23 (if punished as a Class 3 felony), 11-24,
22 11-25, and 11-26 of the Criminal Code of 1961 or the
23 Criminal Code of 2012; and Sections 11-1.20, 11-1.30,
24 11-1.40, 11-1.50, 11-1.60, 11-9.6, 12-4.9, 12-13, 12-14,
25 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if
26 punished pursuant to subdivision (4) or (5) of subsection

1 (d) of Section 26-4) of the Criminal Code of 1961 or the
2 Criminal Code of 2012.

3 (B) Any attempt to commit any of the offenses listed in
4 item (A) of this definition.

5 (C) Any offense committed or attempted in any other
6 state that, if committed or attempted in this State, would
7 have been punishable as one or more of the offenses listed
8 in items (A) and (B) of this definition.

9 (b) Whenever the holder of any license issued pursuant to
10 this Article or applicant for a license to be issued pursuant
11 to this Article has been convicted of any drug offense, other
12 than as provided in subsection (c) of this Section, the State
13 Superintendent of Education shall forthwith suspend the
14 license or deny the application, whichever is applicable, until
15 7 years following the end of the sentence for the criminal
16 offense. If the conviction is reversed and the holder is
17 acquitted of the offense in a new trial or the charges against
18 him or her are dismissed, the State Superintendent of Education
19 shall forthwith terminate the suspension of the license.

20 (c) Whenever the holder of a license issued pursuant to
21 this Article or applicant for a license to be issued pursuant
22 to this Article has been convicted of attempting to commit,
23 conspiring to commit, soliciting, or committing any sex
24 offense, first degree murder, or a Class X felony or any
25 offense committed or attempted in any other state or against
26 the laws of the United States that, if committed or attempted

1 in this State, would have been punishable as one or more of the
2 foregoing offenses, the State Superintendent of Education
3 shall forthwith suspend the license or deny the application,
4 whichever is applicable. If the conviction is reversed and the
5 holder is acquitted of that offense in a new trial or the
6 charges that he or she committed that offense are dismissed,
7 the State Superintendent of Education shall forthwith
8 terminate the suspension of the license. When the conviction
9 becomes final, the State Superintendent of Education shall
10 forthwith revoke the license.

11 (Source: P.A. 99-58, eff. 7-16-15; 99-667, eff. 7-29-16.)

12 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

13 Sec. 34-18.5. Criminal history records checks and checks of
14 the Statewide Sex Offender Database and Statewide Murderer and
15 Violent Offender Against Youth Database.

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

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

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

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

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

26 (b) Any information concerning the record of convictions

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

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

1 applicant through the Department of State Police and its own
2 check of the Statewide Sex Offender Database as provided in
3 subsection (a). Any unauthorized release of confidential
4 information may be a violation of Section 7 of the Criminal
5 Identification Act.

6 (c) The board of education shall not knowingly employ a
7 person who has been convicted of any offense that would subject
8 him or her to license suspension or revocation pursuant to
9 Section 21B-80 of this Code. Further, the board of education
10 shall not knowingly employ a person who has been found to be
11 the perpetrator of sexual or physical abuse of any minor under
12 18 years of age pursuant to proceedings under Article II of the
13 Juvenile Court Act of 1987.

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

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

23 (e-5) The general superintendent of schools shall, in
24 writing, notify the State Superintendent of Education of any
25 certificate holder whom he or she has reasonable cause to
26 believe has committed an intentional act of abuse or neglect

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

25 (f) After March 19, 1990, the provisions of this Section
26 shall apply to all employees of persons or firms holding

1 contracts with any school district including, but not limited
2 to, food service workers, school bus drivers and other
3 transportation employees, who have direct, daily contact with
4 the pupils of any school in such district. For purposes of
5 criminal history records checks and checks of the Statewide Sex
6 Offender Database on employees of persons or firms holding
7 contracts with more than one school district and assigned to
8 more than one school district, the regional superintendent of
9 the educational service region in which the contracting school
10 districts are located may, at the request of any such school
11 district, be responsible for receiving the authorization for a
12 criminal history records check prepared by each such employee
13 and submitting the same to the Department of State Police and
14 for conducting a check of the Statewide Sex Offender Database
15 for each employee. Any information concerning the record of
16 conviction and identification as a sex offender of any such
17 employee obtained by the regional superintendent shall be
18 promptly reported to the president of the appropriate school
19 board or school boards.

20 (f-5) Upon request of a school or school district, any
21 information obtained by the school district pursuant to
22 subsection (f) of this Section within the last year must be
23 made available to the requesting school or school district.

24 (g) Prior to the commencement of any student teaching
25 experience or required internship (which is referred to as
26 student teaching in this Section) in the public schools, a

1 student teacher is required to authorize a fingerprint-based
2 criminal history records check. Authorization for and payment
3 of the costs of the check must be furnished by the student
4 teacher to the school district. Upon receipt of this
5 authorization and payment, the school district shall submit the
6 student teacher's name, sex, race, date of birth, social
7 security number, fingerprint images, and other identifiers, as
8 prescribed by the Department of State Police, to the Department
9 of State Police. The Department of State Police and the Federal
10 Bureau of Investigation shall furnish, pursuant to a
11 fingerprint-based criminal history records check, records of
12 convictions, forever and hereinafter, until expunged, to the
13 president of the board. The Department shall charge the school
14 district a fee for conducting the check, which fee must not
15 exceed the cost of the inquiry and must be deposited into the
16 State Police Services Fund. The school district shall further
17 perform a check of the Statewide Sex Offender Database, as
18 authorized by the Sex Offender Community Notification Law, and
19 of the Statewide Murderer and Violent Offender Against Youth
20 Database, as authorized by the Murderer and Violent Offender
21 Against Youth Registration Act, for each student teacher. The
22 board may not knowingly allow a person to student teach for
23 whom a criminal history records check, a Statewide Sex Offender
24 Database check, and a Statewide Murderer and Violent Offender
25 Against Youth Database check have not been completed and
26 reviewed by the district.

1 A copy of the record of convictions obtained from the
2 Department of State Police must be provided to the student
3 teacher. Any information concerning the record of convictions
4 obtained by the president of the board is confidential and may
5 only be transmitted to the general superintendent of schools or
6 his or her designee, the State Superintendent of Education, the
7 State Educator Preparation and Licensure Board, or, for
8 clarification purposes, the Department of State Police or the
9 Statewide Sex Offender Database or Statewide Murderer and
10 Violent Offender Against Youth Database. Any unauthorized
11 release of confidential information may be a violation of
12 Section 7 of the Criminal Identification Act.

13 The board may not knowingly allow a person to student teach
14 who has been convicted of any offense that would subject him or
15 her to license suspension or revocation pursuant to Section
16 21B-80 of this Code or who has been found to be the perpetrator
17 of sexual or physical abuse of a minor under 18 years of age
18 pursuant to proceedings under Article II of the Juvenile Court
19 Act of 1987.

20 (h) (Blank).

21 (i) Beginning with the 2018-2019 school year, the State
22 Board of Education must monitor all fingerprint-based criminal
23 history records checks and any other database checks conducted
24 under this Section.

25 (Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

1 (105 ILCS 5/34-18.60 new)

2 Sec. 34-18.60. Sexual assault or sexual abuse by a licensed
3 educator.

4 (a) The board must report all credible cases of sexual
5 assault or sexual abuse by a licensed educator to the State
6 Board of Education.

7 (b) The board must establish a hearing procedure for
8 student victims of alleged sexual assault or sexual abuse by a
9 licensed educator that allows a student victim to testify. In
10 such cases, an attorney retained by the school district may not
11 interview the student without:

12 (1) the consent of the student or the student's parent
13 or legal guardian if the student is a minor; and

14 (2) the student's parent or legal guardian, the
15 student's legal representative, or both in the room.

16 As part of the hearing procedure, an attorney retained by
17 the school district may not interview the student 2 or more
18 times without good cause being shown and recorded. If 2 or more
19 interviews take place, the attorney retained by the school
20 district who has control over the investigation must maintain a
21 record, which shall be part of the legal record of the
22 investigation, to show why 2 or more interviews took place. The
23 student, student's legal representative, or student's family
24 shall have continuous access to the record.

25 (c) The board shall ensure that a licensed educator under
26 investigation by the State Superintendent of Education or his

1 or her designee for alleged sexual assault or sexual abuse is
2 reassigned to non-classroom duty.

3 (105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

4 Sec. 34-84b. Conviction of sex or narcotics offense, first
5 degree murder, attempted first degree murder, or Class X felony
6 as grounds for revocation of certificate.

7 (a) Whenever the holder of any certificate issued by the
8 board of education has been convicted of any sex offense or
9 narcotics offense as defined in this Section, the board of
10 education shall forthwith suspend the certificate. If the
11 conviction is reversed and the holder is acquitted of the
12 offense in a new trial or the charges against him are
13 dismissed, the board shall forthwith terminate the suspension
14 of the certificate. When the conviction becomes final, the
15 board shall forthwith revoke the certificate. "Sex offense" as
16 used in this Section means any one or more of the following
17 offenses: (1) any offense defined in Sections 11-6, 11-9,
18 11-9.6, and 11-30, Sections 11-14 through 11-21, inclusive, and
19 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
20 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961 or
21 the Criminal Code of 2012; (2) any attempt to commit any of the
22 foregoing offenses, and (3) any offense committed or attempted
23 in any other state which, if committed or attempted in this
24 State, would have been punishable as one or more of the
25 foregoing offenses. "Narcotics offense" as used in this Section

1 means any one or more of the following offenses: (1) any
2 offense defined in the Cannabis Control Act except those
3 defined in Sections 4(a), 4(b) and 5(a) of that Act and any
4 offense for which the holder of any certificate is placed on
5 probation under the provisions of Section 10 of that Act and
6 fulfills the terms and conditions of probation as may be
7 required by the court; (2) any offense defined in the Illinois
8 Controlled Substances Act except any offense for which the
9 holder of any certificate is placed on probation under the
10 provisions of Section 410 of that Act and fulfills the terms
11 and conditions of probation as may be required by the court;
12 (3) any offense defined in the Methamphetamine Control and
13 Community Protection Act except any offense for which the
14 holder of any certificate is placed on probation under the
15 provision of Section 70 of that Act and fulfills the terms and
16 conditions of probation as may be required by the court; (4)
17 any attempt to commit any of the foregoing offenses; and (5)
18 any offense committed or attempted in any other state or
19 against the laws of the United States which, if committed or
20 attempted in this State, would have been punishable as one or
21 more of the foregoing offenses.

22 (b) Whenever the holder of any certificate issued by the
23 board of education or pursuant to Article 21 or any other
24 provisions of the School Code has been convicted of first
25 degree murder, attempted first degree murder, or a Class X
26 felony, the board of education or the State Superintendent of

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

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

14 Section 15. The Criminal Code of 2012 is amended by adding
15 Section 11-9.6 as follows:

16 (720 ILCS 5/11-9.6 new)

17 Sec. 11-9.6. Sexual conduct or sexual relations with a
18 student by an authority figure.

19 (a) In this Section:

20 "Authority figure" means a person 18 years of age or older
21 who is employed by, volunteering at, or under contract with a
22 school, including, but not limited to, a school resource
23 officer.

24 "School" has the meaning given to that term in Section

1 11-9.3 of this Code. "School" does not include a facility
2 dedicated exclusively to the education of adults.

3 "Student" means a person who is enrolled at a school.

4 (b) A person commits sexual conduct or sexual relations
5 with a student by an authority figure when he or she is an
6 authority figure and solicits or engages in any of the
7 following acts with a student:

8 (1) an act of sexual penetration or sexual conduct;

9 (2) a romantic relationship; or

10 (3) lewd conduct.

11 (c) Sentence. Sexual conduct or sexual relations with a
12 student by an authority figure is a Class 1 felony.

13 Section 20. The Code of Criminal Procedure of 1963 is
14 amended by adding Section 107-17 as follows:

15 (725 ILCS 5/107-17 new)

16 Sec. 107-17. Educator; report. After the arrest or
17 arraignment of an educator (other than a superintendent of a
18 school district) who is licensed under Article 21B of the
19 School Code, the arresting enforcement agency shall share its
20 reports pertaining to the arrest with the superintendent of any
21 school district that employs the educator. After the arrest or
22 arraignment of a superintendent of a school district, the
23 arresting enforcement agency shall share its reports
24 pertaining to the arrest with the school board of any school

1 district that employs the superintendent.

2 Section 25. The Personnel Record Review Act is amended by
3 changing Section 7 as follows:

4 (820 ILCS 40/7) (from Ch. 48, par. 2007)

5 Sec. 7. (1) An employer or former employer shall not
6 divulge a disciplinary report, letter of reprimand, or other
7 disciplinary action to a third party, to a party who is not a
8 part of the employer's organization, or to a party who is not a
9 part of a labor organization representing the employee, without
10 written notice as provided in this Section.

11 (2) The written notice to the employee shall be by
12 first-class mail to the employee's last known address and shall
13 be mailed on or before the day the information is divulged.

14 (3) This Section shall not apply if:

15 (a) the employee has specifically waived written
16 notice as part of a written, signed employment application
17 with another employer;

18 (b) the disclosure is ordered to a party in a legal
19 action or arbitration; or

20 (c) information is requested by a government agency as
21 a result of a claim or complaint by an employee, or as a
22 result of a criminal investigation by such agency.

23 (3.5) This Section does not prohibit a school district from
24 divulging internal investigative findings and discipline to

1 another school district.

2 (4) An employer who receives a request for records of a
3 disciplinary report, letter of reprimand, or other
4 disciplinary action in relation to an employee under the
5 Freedom of Information Act may provide notification to the
6 employee in written form as described in subsection (2) or
7 through electronic mail, if available.

8 (Source: P.A. 96-1212, eff. 7-22-10.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 140/7.7 new

4 105 ILCS 5/10-21.9 from Ch. 122, par. 10-21.9

5 105 ILCS 5/10-30 new

6 105 ILCS 5/21B-15

7 105 ILCS 5/21B-75

8 105 ILCS 5/21B-80

9 105 ILCS 5/34-18.5 from Ch. 122, par. 34-18.5

10 105 ILCS 5/34-18.60 new

11 105 ILCS 5/34-84b from Ch. 122, par. 34-84b

12 720 ILCS 5/11-9.6 new

13 725 ILCS 5/107-17 new

14 820 ILCS 40/7 from Ch. 48, par. 2007