



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2946

Introduced 1/20/2006, by Sen. Peter J. Roskam

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.9
105 ILCS 5/34-18.5

from Ch. 122, par. 10-21.9
from Ch. 122, par. 34-18.5

Amends the School Code. Provides that before the beginning of the 2007-2008 school year, all employees of a school district must have a criminal history records check and a check of the Statewide Sex Offender Database performed in the same manner as for applicants for employment.

LRB094 19102 NHT 54617 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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.

9 (a) Certified and noncertified applicants for employment
10 with a school district, except school bus driver applicants,
11 are required as a condition of employment to authorize a
12 fingerprint-based criminal history records check to determine
13 if such applicants have been convicted of any of the enumerated
14 criminal or drug offenses in subsection (c) of this Section or
15 have been convicted, within 7 years of the application for
16 employment with the school district, of any other felony under
17 the laws of this State or of any offense committed or attempted
18 in any other state or against the laws of the United States
19 that, if committed or attempted in this State, would have been
20 punishable as a felony under the laws of this State.
21 Authorization for the check shall be furnished by the applicant
22 to the school district, except that if the applicant is a
23 substitute teacher seeking employment in more than one school
24 district, a teacher seeking concurrent part-time employment
25 positions with more than one school district (as a reading
26 specialist, special education teacher or otherwise), or an
27 educational support personnel employee seeking employment
28 positions with more than one district, any such district may
29 require the applicant to furnish authorization for the check to
30 the regional superintendent of the educational service region
31 in which are located the school districts in which the
32 applicant is seeking employment as a substitute or concurrent

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

29 (a-5) The school district or regional superintendent shall
30 further perform a check of the Statewide Sex Offender Database,
31 as authorized by the Sex Offender and Child Murderer Community
32 Notification Law, for each applicant.

33 (b) Any information concerning the record of convictions
34 obtained by the president of the school board or the regional
35 superintendent shall be confidential and may only be
36 transmitted to the superintendent of the school district or his

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

1 against the laws of the United States that, if committed or
2 attempted in this State, would have been punishable as a felony
3 under the laws of this State and evidencing that as of the date
4 that the regional superintendent conducted a check of the
5 Statewide Sex Offender Database, the applicant has not been
6 identified in the Database as a sex offender. The school board
7 of any school district located in the educational service
8 region served by the regional superintendent who issues such a
9 certificate to an applicant for employment as a substitute
10 teacher in more than one such district may rely on the
11 certificate issued by the regional superintendent to that
12 applicant, or may initiate its own criminal history records
13 check of the applicant through the Department of State Police
14 and its own check of the Statewide Sex Offender Database as
15 provided in subsection (a). Any person who releases any
16 confidential information concerning any criminal convictions
17 of an applicant for employment shall be guilty of a Class A
18 misdemeanor, unless the release of such information is
19 authorized by this Section.

20 (c) No school board shall knowingly employ a person who has
21 been convicted for committing attempted first degree murder or
22 for committing or attempting to commit first degree murder or a
23 Class X felony or any one or more of the following offenses:
24 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
25 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
26 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
27 Criminal Code of 1961; (ii) those defined in the Cannabis
28 Control Act except those defined in Sections 4(a), 4(b) and
29 5(a) of that Act; (iii) those defined in the Illinois
30 Controlled Substances Act; (iv) those defined in the
31 Methamphetamine Control and Community Protection Act; and (v)
32 any offense committed or attempted in any other state or
33 against the laws of the United States, which if committed or
34 attempted in this State, would have been punishable as one or
35 more of the foregoing offenses. Further, no school board shall
36 knowingly employ a person who has been found to be the

1 perpetrator of sexual or physical abuse of any minor under 18
2 years of age pursuant to proceedings under Article II of the
3 Juvenile Court Act of 1987.

4 (d) No school board shall knowingly employ a person for
5 whom a criminal history records check and a Statewide Sex
6 Offender Database check has not been initiated. Before the
7 beginning of the 2007-2008 school year, all employees of the
8 school district, whether certified or noncertified, must have a
9 criminal history records check and a check of the Statewide Sex
10 Offender Database performed in the same manner as for
11 applicants for employment under this Section.

12 (e) Upon receipt of the record of a conviction of or a
13 finding of child abuse by a holder of any certificate issued
14 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
15 Code, the appropriate regional superintendent of schools or the
16 State Superintendent of Education shall initiate the
17 certificate suspension and revocation proceedings authorized
18 by law.

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
27 contracts with more than one school district and assigned to
28 more than one school district, the regional superintendent of
29 the educational service region in which the contracting school
30 districts are located may, at the request of any such school
31 district, be responsible for receiving the authorization for a
32 criminal history records check prepared by each such employee
33 and submitting the same to the Department of State Police and
34 for conducting a check of the Statewide Sex Offender Database
35 for each employee. Any information concerning the record of
36 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 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
5 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

6 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

7 Sec. 34-18.5. Criminal history records checks and checks of
8 the Statewide Sex Offender Database.

9 (a) Certified and noncertified applicants for employment
10 with the school district are required as a condition of
11 employment to authorize a fingerprint-based criminal history
12 records check to determine if such applicants have been
13 convicted of any of the enumerated criminal or drug offenses in
14 subsection (c) of this Section or have been convicted, within 7
15 years of the application for employment with the school
16 district, of any other felony under the laws of this State or
17 of any offense committed or attempted in any other state or
18 against the laws of the United States that, if committed or
19 attempted in this State, would have been punishable as a felony
20 under the laws of this State. Authorization for the check shall
21 be furnished by the applicant to the school district, except
22 that if the applicant is a substitute teacher seeking
23 employment in more than one school district, or a teacher
24 seeking concurrent part-time employment positions with more
25 than one school district (as a reading specialist, special
26 education teacher or otherwise), or an educational support
27 personnel employee seeking employment positions with more than
28 one district, any such district may require the applicant to
29 furnish authorization for the check to the regional
30 superintendent of the educational service region in which are
31 located the school districts in which the applicant is seeking
32 employment as a substitute or concurrent part-time teacher or
33 concurrent educational support personnel employee. Upon
34 receipt of this authorization, the school district or the
35 appropriate regional superintendent, as the case may be, shall

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

26 (a-5) The school district or regional superintendent shall
27 further perform a check of the Statewide Sex Offender Database,
28 as authorized by the Sex Offender and Child Murderer Community
29 Notification Law, for each applicant.

30 (b) Any information concerning the record of convictions
31 obtained by the president of the board of education or the
32 regional superintendent shall be confidential and may only be
33 transmitted to the general superintendent of the school
34 district or his designee, the appropriate regional
35 superintendent if the check was requested by the board of
36 education for the school district, the presidents of the

1 appropriate board of education or school boards if the check
2 was requested from the Department of State Police by the
3 regional superintendent, the State Superintendent of
4 Education, the State Teacher Certification Board or any other
5 person necessary to the decision of hiring the applicant for
6 employment. A copy of the record of convictions obtained from
7 the Department of State Police shall be provided to the
8 applicant for employment. Upon the check of the Statewide Sex
9 Offender Database, the school district or regional
10 superintendent shall notify an applicant as to whether or not
11 the applicant has been identified in the Database as a sex
12 offender. If a check of an applicant for employment as a
13 substitute or concurrent part-time teacher or concurrent
14 educational support personnel employee in more than one school
15 district was requested by the regional superintendent, and the
16 Department of State Police upon a check ascertains that the
17 applicant has not been convicted of any of the enumerated
18 criminal or drug offenses in subsection (c) or has not been
19 convicted, within 7 years of the application for employment
20 with the school district, of any other felony under the laws of
21 this State or of any offense committed or attempted in any
22 other state or against the laws of the United States that, if
23 committed or attempted in this State, would have been
24 punishable as a felony under the laws of this State and so
25 notifies the regional superintendent and if the regional
26 superintendent upon a check ascertains that the applicant has
27 not been identified in the Sex Offender Database as a sex
28 offender, then the regional superintendent shall issue to the
29 applicant a certificate evidencing that as of the date
30 specified by the Department of State Police the applicant has
31 not been convicted of any of the enumerated criminal or drug
32 offenses in subsection (c) or has not been convicted, within 7
33 years of the application for employment with the school
34 district, of any other felony under the laws of this State or
35 of any offense committed or attempted in any other state or
36 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 and evidencing that as of the date
3 that the regional superintendent conducted a check of the
4 Statewide Sex Offender Database, the applicant has not been
5 identified in the Database as a sex offender. The school board
6 of any school district located in the educational service
7 region served by the regional superintendent who issues such a
8 certificate to an applicant for employment as a substitute or
9 concurrent part-time teacher or concurrent educational support
10 personnel employee in more than one such district may rely on
11 the certificate issued by the regional superintendent to that
12 applicant, or may initiate its own criminal history records
13 check of the applicant through the Department of State Police
14 and its own check of the Statewide Sex Offender Database as
15 provided in subsection (a). Any person who releases any
16 confidential information concerning any criminal convictions
17 of an applicant for employment shall be guilty of a Class A
18 misdemeanor, unless the release of such information is
19 authorized by this Section.

20 (c) The board of education shall not knowingly employ a
21 person who has been convicted for committing attempted first
22 degree murder or for committing or attempting to commit first
23 degree murder or a Class X felony or any one or more of the
24 following offenses: (i) those defined in Sections 11-6, 11-9,
25 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
26 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
27 and 12-16 of the Criminal Code of 1961; (ii) those defined in
28 the Cannabis Control Act, except those defined in Sections
29 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the
30 Illinois Controlled Substances Act; (iv) those defined in the
31 Methamphetamine Control and Community Protection Act; and (v)
32 any offense committed or attempted in any other state or
33 against the laws of the United States, which if committed or
34 attempted in this State, would have been punishable as one or
35 more of the foregoing offenses. Further, the board of education
36 shall not knowingly employ a person who has been found to be

1 the perpetrator of sexual or physical abuse of any minor under
2 18 years of age pursuant to proceedings under Article II of the
3 Juvenile Court Act of 1987.

4 (d) The board of education shall not knowingly employ a
5 person for whom a criminal history records check and a
6 Statewide Sex Offender Database check has not been initiated.
7 Before the beginning of the 2007-2008 school year, all
8 employees of the school district, whether certified or
9 noncertified, must have a criminal history records check and a
10 check of the Statewide Sex Offender Database performed in the
11 same manner as for applicants for employment under this
12 Section.

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

19 (f) After March 19, 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
27 contracts with more than one school district and assigned to
28 more than one school district, the regional superintendent of
29 the educational service region in which the contracting school
30 districts are located may, at the request of any such school
31 district, be responsible for receiving the authorization for a
32 criminal history records check prepared by each such employee
33 and submitting the same to the Department of State Police and
34 for conducting a check of the Statewide Sex Offender Database
35 for each employee. Any information concerning the record of
36 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 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
5 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)