



Sen. William R. Haine

Filed: 3/5/2008

09500SB2091sam001

LRB095 18099 NHT 47529 a

1 AMENDMENT TO SENATE BILL 2091

2 AMENDMENT NO. _____. Amend Senate Bill 2091 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 3-9005 as follows:

6 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

7 Sec. 3-9005. Powers and duties of State's attorney.

8 (a) The duty of each State's attorney shall be:

9 (1) To commence and prosecute all actions, suits,
10 indictments and prosecutions, civil and criminal, in the
11 circuit court for his county, in which the people of the
12 State or county may be concerned.

13 (2) To prosecute all forfeited bonds and
14 recognizances, and all actions and proceedings for the
15 recovery of debts, revenues, moneys, fines, penalties and
16 forfeitures accruing to the State or his county, or to any

1 school district or road district in his county; also, to
2 prosecute all suits in his county against railroad or
3 transportation companies, which may be prosecuted in the
4 name of the People of the State of Illinois.

5 (3) To commence and prosecute all actions and
6 proceedings brought by any county officer in his official
7 capacity.

8 (4) To defend all actions and proceedings brought
9 against his county, or against any county or State officer,
10 in his official capacity, within his county.

11 (5) To attend the examination of all persons brought
12 before any judge on habeas corpus, when the prosecution is
13 in his county.

14 (6) To attend before judges and prosecute charges of
15 felony or misdemeanor, for which the offender is required
16 to be recognized to appear before the circuit court, when
17 in his power so to do.

18 (7) To give his opinion, without fee or reward, to any
19 county officer in his county, upon any question or law
20 relating to any criminal or other matter, in which the
21 people or the county may be concerned.

22 (8) To assist the attorney general whenever it may be
23 necessary, and in cases of appeal from his county to the
24 Supreme Court, to which it is the duty of the attorney
25 general to attend, he shall furnish the attorney general at
26 least 10 days before such is due to be filed, a manuscript

1 of a proposed statement, brief and argument to be printed
2 and filed on behalf of the people, prepared in accordance
3 with the rules of the Supreme Court. However, if such
4 brief, argument or other document is due to be filed by law
5 or order of court within this 10 day period, then the
6 State's attorney shall furnish such as soon as may be
7 reasonable.

8 (9) To pay all moneys received by him in trust, without
9 delay, to the officer who by law is entitled to the custody
10 thereof.

11 (10) To notify, by first class mail, complaining
12 witnesses of the ultimate disposition of the cases arising
13 from an indictment or an information.

14 (11) To perform such other and further duties as may,
15 from time to time, be enjoined on him by law.

16 (12) To appear in all proceedings by collectors of
17 taxes against delinquent taxpayers for judgments to sell
18 real estate, and see that all the necessary preliminary
19 steps have been legally taken to make the judgment legal
20 and binding.

21 (13) To notify, by first-class mail, the State
22 Superintendent of Education, the applicable regional
23 superintendent of schools, and the superintendent of the
24 employing school district, if any, upon the conviction of
25 any individual known to possess a certificate issued
26 pursuant to Article 21 of the School Code of any offense

1 set forth in Section 21-23a of the School Code or any other
2 felony conviction, providing the name of the certificate
3 holder, the fact of the conviction, and the name and
4 location of the court where the conviction occurred. The
5 certificate holder must also be contemporaneously sent a
6 copy of the notice.

7 (b) The State's Attorney of each county shall have
8 authority to appoint one or more special investigators to serve
9 subpoenas, make return of process and conduct investigations
10 which assist the State's Attorney in the performance of his
11 duties. A special investigator shall not carry firearms except
12 with permission of the State's Attorney and only while carrying
13 appropriate identification indicating his employment and in
14 the performance of his assigned duties.

15 Subject to the qualifications set forth in this subsection,
16 special investigators shall be peace officers and shall have
17 all the powers possessed by investigators under the State's
18 Attorneys Appellate Prosecutor's Act.

19 No special investigator employed by the State's Attorney
20 shall have peace officer status or exercise police powers
21 unless he or she successfully completes the basic police
22 training course mandated and approved by the Illinois Law
23 Enforcement Training Standards Board or such board waives the
24 training requirement by reason of the special investigator's
25 prior law enforcement experience or training or both. Any
26 State's Attorney appointing a special investigator shall

1 consult with all affected local police agencies, to the extent
2 consistent with the public interest, if the special
3 investigator is assigned to areas within that agency's
4 jurisdiction.

5 Before a person is appointed as a special investigator, his
6 fingerprints shall be taken and transmitted to the Department
7 of State Police. The Department shall examine its records and
8 submit to the State's Attorney of the county in which the
9 investigator seeks appointment any conviction information
10 concerning the person on file with the Department. No person
11 shall be appointed as a special investigator if he has been
12 convicted of a felony or other offense involving moral
13 turpitude. A special investigator shall be paid a salary and be
14 reimbursed for actual expenses incurred in performing his
15 assigned duties. The county board shall approve the salary and
16 actual expenses and appropriate the salary and expenses in the
17 manner prescribed by law or ordinance.

18 (c) The State's Attorney may request and receive from
19 employers, labor unions, telephone companies, and utility
20 companies location information concerning putative fathers and
21 noncustodial parents for the purpose of establishing a child's
22 paternity or establishing, enforcing, or modifying a child
23 support obligation. In this subsection, "location information"
24 means information about (i) the physical whereabouts of a
25 putative father or noncustodial parent, (ii) the putative
26 father or noncustodial parent's employer, or (iii) the salary,

1 wages, and other compensation paid and the health insurance
2 coverage provided to the putative father or noncustodial parent
3 by the employer of the putative father or noncustodial parent
4 or by a labor union of which the putative father or
5 noncustodial parent is a member.

6 (d) For each State fiscal year, the State's Attorney of
7 Cook County shall appear before the General Assembly and
8 request appropriations to be made from the Capital Litigation
9 Trust Fund to the State Treasurer for the purpose of providing
10 assistance in the prosecution of capital cases in Cook County
11 and for the purpose of providing assistance to the State in
12 post-conviction proceedings in capital cases under Article 122
13 of the Code of Criminal Procedure of 1963 and in relation to
14 petitions filed under Section 2-1401 of the Code of Civil
15 Procedure in relation to capital cases. The State's Attorney
16 may appear before the General Assembly at other times during
17 the State's fiscal year to request supplemental appropriations
18 from the Trust Fund to the State Treasurer.

19 (e) The State's Attorney shall have the authority to enter
20 into a written agreement with the Department of Revenue for
21 pursuit of civil liability under Section 17-1a of the Criminal
22 Code of 1961 against persons who have issued to the Department
23 checks or other orders in violation of the provisions of
24 paragraph (d) of subsection (B) of Section 17-1 of the Criminal
25 Code of 1961, with the Department to retain the amount owing
26 upon the dishonored check or order along with the dishonored

1 check fee imposed under the Uniform Penalty and Interest Act,
2 with the balance of damages, fees, and costs collected under
3 Section 17-1a of the Criminal Code of 1961 to be retained by
4 the State's Attorney. The agreement shall not affect the
5 allocation of fines and costs imposed in any criminal
6 prosecution.

7 (Source: P.A. 92-492, eff. 1-1-02; 93-972, eff. 8-20-04.)

8 Section 10. The School Code is amended by changing Sections
9 3-11, 10-21.9, 10-22.39, 21-1, 21-23, 21-23a, and 34-18.5 as
10 follows:

11 (105 ILCS 5/3-11) (from Ch. 122, par. 3-11)

12 Sec. 3-11. Institutes or inservice training workshops. In
13 counties of less than 2,000,000 inhabitants, the regional
14 superintendent may arrange for or conduct district, regional,
15 or county institutes, or equivalent professional educational
16 experiences, not more than 4 days annually. Of those 4 days, 2
17 days may be used as a teacher's workshop, when approved by the
18 regional superintendent, up to 2 days may be used for
19 conducting parent-teacher conferences or up to 2 days may be
20 utilized as parental institute days as provided in Section
21 10-22.18d. A school district may use one of its 4 institute
22 days on the last day of the school term. "Institute" or
23 "Professional educational experiences" means any educational
24 gathering, demonstration of methods of instruction, visitation

1 of schools or other institutions or facilities, sexual abuse
2 and sexual assault awareness seminar, or training in First Aid
3 (which may include cardiopulmonary resuscitation or
4 defibrillator training) held or approved by the regional
5 superintendent and declared by him to be an institute day, or
6 parent-teacher conferences. With the concurrence of the State
7 Superintendent of Education, he or she may employ such
8 assistance as is necessary to conduct the institute. Two or
9 more adjoining counties may jointly hold an institute.
10 Institute instruction shall be free to holders of certificates
11 good in the county or counties holding the institute, and to
12 those who have paid an examination fee and failed to receive a
13 certificate.

14 In counties of 2,000,000 or more inhabitants, the regional
15 superintendent may arrange for or conduct district, regional,
16 or county inservice training workshops, or equivalent
17 professional educational experiences, not more than 4 days
18 annually. Of those 4 days, 2 days may be used for conducting
19 parent-teacher conferences and up to 2 days may be utilized as
20 parental institute days as provided in Section 10-22.18d. A
21 school district may use one of those 4 days on the last day of
22 the school term. "Inservice Training Workshops" or
23 "Professional educational experiences" means any educational
24 gathering, demonstration of methods of instruction, visitation
25 of schools or other institutions or facilities, sexual abuse
26 and sexual assault awareness seminar, or training in First Aid

1 (which may include cardiopulmonary resuscitation or
2 defibrillator training) held or approved by the regional
3 superintendent and declared by him to be an inservice training
4 workshop, or parent-teacher conferences. With the concurrence
5 of the State Superintendent of Education, he may employ such
6 assistance as is necessary to conduct the inservice training
7 workshop. With the approval of the regional superintendent, 2
8 or more adjoining districts may jointly hold an inservice
9 training workshop. In addition, with the approval of the
10 regional superintendent, one district may conduct its own
11 inservice training workshop with subject matter consultants
12 requested from the county, State or any State institution of
13 higher learning.

14 Such teachers institutes as referred to in this Section may
15 be held on consecutive or separate days at the option of the
16 regional superintendent having jurisdiction thereof.

17 Whenever reference is made in this Act to "teachers
18 institute", it shall be construed to include the inservice
19 training workshops or equivalent professional educational
20 experiences provided for in this Section.

21 Any institute advisory committee existing on April 1, 1995,
22 is dissolved and the duties and responsibilities of the
23 institute advisory committee are assumed by the regional office
24 of education advisory board.

25 Districts providing inservice training programs shall
26 constitute inservice committees, 1/2 of which shall be

1 teachers, 1/4 school service personnel and 1/4 administrators
2 to establish program content and schedules.

3 The teachers institutes shall include teacher training
4 committed to (i) peer counseling programs and other
5 anti-violence and conflict resolution programs, including
6 without limitation programs for preventing at risk students
7 from committing violent acts, and (ii) educator ethics and
8 teacher-student conduct.

9 (Source: P.A. 94-197, eff. 7-12-05.)

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

11 Sec. 10-21.9. Criminal history records checks and checks of
12 the Statewide Sex Offender Database and Statewide Child
13 Murderer and Violent Offender Against Youth Database.

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

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

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

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

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

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

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

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

1 Class A misdemeanor, unless the release of such information is
2 authorized by this Section.

3 (c) No school board shall knowingly employ a person who has
4 been convicted of any offense that would subject him or her to
5 certification suspension or revocation pursuant to Section
6 21-23a of this Code. ~~for committing attempted first degree~~
7 ~~murder or for committing or attempting to commit first degree~~
8 ~~murder or a Class X felony or any one or more of the following~~
9 ~~offenses: (i) those defined in Sections 11-6, 11-9, 11-14,~~
10 ~~11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,~~
11 ~~11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16~~
12 ~~of the Criminal Code of 1961; (ii) those defined in the~~
13 ~~Cannabis Control Act except those defined in Sections 4(a),~~
14 ~~4(b) and 5(a) of that Act; (iii) those defined in the Illinois~~
15 ~~Controlled Substances Act; (iv) those defined in the~~
16 ~~Methamphetamine Control and Community Protection Act; and (v)~~
17 ~~any offense committed or attempted in any other state or~~
18 ~~against the laws of the United States, which if committed or~~
19 ~~attempted in this State, would have been punishable as one or~~
20 ~~more of the foregoing offenses.~~ Further, no school board shall
21 knowingly employ a person who has been found to be the
22 perpetrator of sexual or physical abuse of any minor under 18
23 years of age pursuant to proceedings under Article II of the
24 Juvenile Court Act of 1987.

25 (d) No school board shall knowingly employ a person for
26 whom a criminal history records check and a Statewide Sex

1 Offender Database check has not been initiated.

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

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

1 Superintendent of Education or his or designee to investigate
2 and prosecute pursuant to Article 21 of this Code, (ii)
3 pursuant to a court order, (iii) for disclosure to the
4 certificate holder or his or her representative, or (iv) as
5 otherwise provided in this Code and provided that any such
6 information admitted into evidence in a hearing is exempt from
7 this confidentiality and non-disclosure requirement. Any
8 superintendent who in good faith provides notification as
9 required in this subsection (e-5) shall have immunity from any
10 liability, whether civil or criminal or that otherwise might
11 result by reason of such action. For the purpose of any
12 proceeding, civil or criminal, the good faith of a
13 superintendent must be presumed.

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

1 criminal history records check prepared by each such employee
2 and submitting the same to the Department of State Police and
3 for conducting a check of the Statewide Sex Offender Database
4 for each employee. Any information concerning the record of
5 conviction and identification as a sex offender of any such
6 employee obtained by the regional superintendent shall be
7 promptly reported to the president of the appropriate school
8 board or school boards.

9 (Source: P.A. 94-219, eff. 7-14-05; 94-556, eff. 9-11-05;
10 94-875, eff. 7-1-06; 94-945, eff. 6-27-06; 95-331, eff.
11 8-21-07.)

12 (105 ILCS 5/10-22.39) (from Ch. 122, par. 10-22.39)

13 Sec. 10-22.39. In-service training programs.

14 (a) To conduct in-service training programs for teachers.

15 (b) In addition to other topics at in-service training
16 programs, school guidance counselors, teachers and other
17 school personnel who work with pupils in grades 7 through 12
18 shall be trained to identify the warning signs of suicidal
19 behavior in adolescents and teens and shall be taught
20 appropriate intervention and referral techniques.

21 (c) School guidance counselors, nurses, teachers and other
22 school personnel who work with pupils may be trained to have a
23 basic knowledge of matters relating to acquired
24 immunodeficiency syndrome (AIDS), including the nature of the
25 disease, its causes and effects, the means of detecting it and

1 preventing its transmission, and the availability of
2 appropriate sources of counseling and referral, and any other
3 information that may be appropriate considering the age and
4 grade level of such pupils. The School Board shall supervise
5 such training. The State Board of Education and the Department
6 of Public Health shall jointly develop standards for such
7 training.

8 (d) In this subsection (d):

9 "Domestic violence" means abuse by a family or household
10 member, as "abuse" and "family or household members" are
11 defined in Section 103 of the Illinois Domestic Violence Act of
12 1986.

13 "Sexual violence" means sexual assault, abuse, or stalking
14 of an adult or minor child proscribed in the Criminal Code of
15 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
16 12-14.1, 12-15, and 12-16, including sexual violence committed
17 by perpetrators who are strangers to the victim and sexual
18 violence committed by perpetrators who are known or related by
19 blood or marriage to the victim.

20 At least once every 2 years, an in-service training program
21 for school personnel who work with pupils, including, but not
22 limited to, school and school district administrators,
23 teachers, school guidance counselors, school social workers,
24 school counselors, school psychologists, and school nurses,
25 must be conducted by persons with expertise in domestic and
26 sexual violence and the needs of expectant and parenting youth

1 and shall include training concerning (i) communicating with
2 and listening to youth victims of domestic or sexual violence
3 and expectant and parenting youth, (ii) connecting youth
4 victims of domestic or sexual violence and expectant and
5 parenting youth to appropriate in-school services and other
6 agencies, programs, and services as needed, and (iii)
7 implementing the school district's policies, procedures, and
8 protocols with regard to such youth, including
9 confidentiality. At a minimum, school personnel must be trained
10 to understand, provide information and referrals, and address
11 issues pertaining to youth who are parents, expectant parents,
12 or victims of domestic or sexual violence.

13 (e) At least once every 2 years, a school board shall
14 conduct in-service training on educator ethics,
15 teacher-student conduct, and school employee-student conduct
16 for all personnel.

17 (Source: P.A. 95-558, eff. 8-30-07.)

18 (105 ILCS 5/21-1) (from Ch. 122, par. 21-1)

19 Sec. 21-1. Qualification of teachers. No one may be
20 certified to teach or supervise in the public schools of this
21 State who is not of good character, of good health, a citizen
22 of the United States or legally present and authorized for
23 employment, and at least 19 years of age. No one may be
24 certified to teach or supervise in the public schools of this
25 State who has been convicted of an offense set forth in Section

1 21-23a of this Code. An applicant for a certificate who is not
2 a citizen of the United States must sign and file with the
3 State Board of Education a letter of intent indicating that
4 either (i) within 10 years after the date that the letter is
5 filed or (ii) at the earliest opportunity after the person
6 becomes eligible to apply for U.S. citizenship, the person will
7 apply for U.S. citizenship.

8 Citizenship is not required for the issuance of a temporary
9 part-time certificate to participants in approved training
10 programs for exchange students as described in Section 21-10.2.
11 A certificate issued under this plan shall expire on June 30
12 following the date of issue. One renewal for one year is
13 authorized if the holder remains as an official participant in
14 an approved exchange program.

15 In determining good character under this Section, any
16 felony conviction of the applicant may be taken into
17 consideration, but, unless the conviction is an offense set
18 forth in Section 21-23a of this Code, an applicant must be
19 permitted to submit character references or other written
20 material before such a conviction or other information
21 regarding the applicant's character may be used by the State
22 Superintendent of Education as a basis for denying the
23 application ~~shall not operate as a bar to registration.~~

24 No person otherwise qualified shall be denied the right to
25 be certified, to receive training for the purpose of becoming a
26 teacher or to engage in practice teaching in any school because

1 of a physical disability including but not limited to visual
2 and hearing disabilities; nor shall any school district refuse
3 to employ a teacher on such grounds, provided that the person
4 is able to carry out the duties of the position for which he
5 applies.

6 No person may be granted or continue to hold a teaching
7 certificate who has knowingly altered or misrepresented his or
8 her teaching qualifications in order to acquire the
9 certificate. Any other certificate held by such person may be
10 suspended or revoked by the State Teacher Certification Board,
11 depending upon the severity of the alteration or
12 misrepresentation.

13 No one may teach or supervise in the public schools nor
14 receive for teaching or supervising any part of any public
15 school fund, who does not hold a certificate of qualification
16 granted by the State Board of Education or by the State Teacher
17 Certification Board and a regional superintendent of schools as
18 hereinafter provided, or by the board of education of a city
19 having a population exceeding 500,000 inhabitants except as
20 provided in Section 34-6 and in Section 10-22.34 or Section
21 10-22.34b. However, the provisions of this Article do not apply
22 to a member of the armed forces who is employed as a teacher of
23 subjects in the Reserve Officer's Training Corps of any school.
24 Sections 21-2 through 21-24 do not apply to cities having a
25 population exceeding 500,000 inhabitants, until July 1, 1988.

26 Notwithstanding any other provision of this Act, the board

1 of education of any school district may grant to a teacher of
2 the district a leave of absence with full pay for a period of
3 not more than one year to permit such teacher to teach in a
4 foreign state under the provisions of the Exchange Teacher
5 Program established under Public Law 584, 79th Congress, and
6 Public Law 402, 80th Congress, as amended. The school board
7 granting such leave of absence may employ with or without pay a
8 national of the foreign state wherein the teacher on leave of
9 absence will teach, if the national is qualified to teach in
10 that foreign state, and if that national will teach in a grade
11 level similar to the one which was taught in such foreign
12 state. The State Board of Education shall promulgate and
13 enforce such reasonable rules as may be necessary to effectuate
14 this paragraph.

15 (Source: P.A. 93-572, eff. 1-1-04.)

16 (105 ILCS 5/21-23) (from Ch. 122, par. 21-23)

17 Sec. 21-23. Suspension or revocation of certificate.

18 (a) The State Superintendent of Education has the exclusive
19 authority, in accordance with this Section and any rules
20 adopted by the State Board of Education, to initiate the
21 suspension of up to 5 calendar years or revocation of any ~~Any~~
22 certificate issued pursuant to this Article, including but not
23 limited to any administrative certificate or endorsement, for
24 abuse or neglect of a child, ~~may be suspended for a period not~~
25 ~~to exceed one calendar year by the regional superintendent or~~

1 ~~for a period not to exceed 5 calendar years by the State~~
2 ~~Superintendent of Education upon evidence of~~ immorality, a
3 condition of health detrimental to the welfare of pupils,
4 incompetency, unprofessional conduct (which includes the
5 failure to disclose on an employment application any previous
6 conviction for a sex offense, as defined in Section 21-23a of
7 this Code, or any other offense committed in any other state or
8 against the laws of the United States that, if committed in
9 this State, would be punishable as a sex offense, as defined in
10 Section 21-23a of this Code), the neglect of any professional
11 duty, willful failure to report an instance of suspected child
12 abuse or neglect as required by the Abused and Neglected Child
13 Reporting Act, failure to establish satisfactory repayment on
14 an educational loan guaranteed by the Illinois Student
15 Assistance Commission, or other just cause. Unprofessional
16 conduct shall include refusal to attend or participate in,
17 institutes, teachers' meetings, professional readings, or to
18 meet other reasonable requirements of the regional
19 superintendent or State Superintendent of Education.
20 Unprofessional conduct also includes conduct that violates the
21 standards, ethics, or rules applicable to the security,
22 administration, monitoring, or scoring of, or the reporting of
23 scores from, any assessment test or the Prairie State
24 Achievement Examination administered under Section 2-3.64 or
25 that is known or intended to produce or report manipulated or
26 artificial, rather than actual, assessment or achievement

1 results or gains from the administration of those tests or
2 examinations. It shall also include neglect or unnecessary
3 delay in making of statistical and other reports required by
4 school officers.

5 (a-5) The regional superintendent or State Superintendent
6 of Education shall, upon receipt of evidence of abuse or
7 neglect of a child, immorality, a condition of health
8 detrimental to the welfare of pupils, incompetency,
9 unprofessional conduct, the neglect of any professional duty or
10 other just cause, further investigate and, if and as
11 appropriate, serve written notice to the individual and afford
12 the individual opportunity for a hearing prior to suspension or
13 revocation. If the State Superintendent of Education does not
14 receive from an individual a request for a hearing within 10
15 days after the individual receives notice, the suspension or
16 revocation shall immediately take effect in accordance with the
17 notice. If a hearing is requested within 10 days of notice of
18 opportunity for hearing, it shall act as a stay of proceedings
19 until the State Teacher Certification Board issues a decision.
20 Any hearing shall take place in the educational service region
21 wherein the educator is or was last employed and in accordance
22 with rules adopted by the State Board of Education, in
23 consultation with the State Teacher Certification Board, which
24 rules shall include without limitation provisions for
25 discovery and the sharing of information between parties prior
26 to the hearing. The decision of the State Teacher Certification

1 Board is a final administrative decision and is subject to
2 judicial review by appeal of either party. ~~not to exceed 30~~
3 ~~days, unless the individual requests a delay. In such an~~
4 ~~instance, the stay of proceedings must be continued for another~~
5 ~~30 days. No certificate shall be suspended until the teacher~~
6 ~~has an opportunity for a hearing at the educational service~~
7 ~~region. When a certificate is suspended, the right of appeal~~
8 ~~shall lie to the State Teacher Certification Board. When an~~
9 ~~appeal is taken within 10 days after notice of suspension it~~
10 ~~shall act as a stay of proceedings not to exceed 120 days. If a~~
11 ~~certificate is suspended for a period greater than one year,~~
12 ~~the State Superintendent of Education shall review the~~
13 ~~suspension prior to the expiration of that period to determine~~
14 ~~whether the cause for the suspension has been remedied or~~
15 ~~continues to exist. Upon determining that the cause for~~
16 ~~suspension has not abated, the State Superintendent of~~
17 ~~Education may order that the suspension be continued for an~~
18 ~~appropriate period. Nothing in this Section prohibits the~~
19 ~~continuance of such a suspension for an indefinite period if~~
20 ~~the State Superintendent determines that the cause for the~~
21 ~~suspension remains unabated. Any certificate may be revoked for~~
22 ~~the same reasons as for suspension by the State Superintendent~~
23 ~~of Education. No certificate shall be revoked until the teacher~~
24 ~~has an opportunity for a hearing before the State Teacher~~
25 ~~Certification Board, which hearing must be held within 120 days~~
26 ~~from the date the appeal is taken, unless the State Teacher~~

1 ~~Certification Board requests a delay. In such an instance, the~~
2 ~~stay of the revocation proceedings must be continued until the~~
3 ~~completion of the proceedings.~~

4 The State Board may refuse to issue or may suspend the
5 certificate of any person who fails to file a return, or to pay
6 the tax, penalty or interest shown in a filed return, or to pay
7 any final assessment of tax, penalty or interest, as required
8 by any tax Act administered by the Illinois Department of
9 Revenue, until such time as the requirements of any such tax
10 Act are satisfied.

11 The exclusive authority of the State Superintendent of
12 Education to initiate suspension or revocation of a certificate
13 pursuant to this Section does not preclude a regional
14 superintendent of schools from cooperating with the State
15 Superintendent or a State's Attorney with respect to an
16 investigation of alleged misconduct.

17 (b) (Blank). ~~Any certificate issued pursuant to this~~
18 ~~Article may be suspended for an appropriate length of time as~~
19 ~~determined by either the regional superintendent or State~~
20 ~~Superintendent of Education upon evidence that the holder of~~
21 ~~the certificate has been named as a perpetrator in an indicated~~
22 ~~report filed pursuant to the Abused and Neglected Child~~
23 ~~Reporting Act, approved June 26, 1975, as amended, and upon~~
24 ~~proof by clear and convincing evidence that the licensee has~~
25 ~~caused a child to be an abused child or neglected child as~~
26 ~~defined in the Abused and Neglected Child Reporting Act.~~

1 ~~The regional superintendent or State Superintendent of~~
2 ~~Education shall, upon receipt of evidence that the certificate~~
3 ~~holder has been named a perpetrator in any indicated report,~~
4 ~~serve written notice to the individual and afford the~~
5 ~~individual opportunity for a hearing prior to suspension. If a~~
6 ~~hearing is requested within 10 days of notice of opportunity~~
7 ~~for hearing, it shall act as a stay of proceedings not to~~
8 ~~exceed 30 days, unless the individual requests a delay. In such~~
9 ~~an instance, the stay of proceedings must be continued for~~
10 ~~another 30 days. No certificate shall be suspended until the~~
11 ~~teacher has an opportunity for a hearing at the educational~~
12 ~~service region. When a certificate is suspended, the right of~~
13 ~~appeal shall lie to the State Teacher Certification Board. When~~
14 ~~an appeal is taken within 10 days after notice of suspension it~~
15 ~~shall act as a stay of proceedings not to exceed 120 days. The~~
16 ~~State Superintendent may revoke any certificate upon proof at~~
17 ~~hearing by clear and convincing evidence that the certificate~~
18 ~~holder has caused a child to be an abused child or neglected~~
19 ~~child as defined in the Abused and Neglected Child Reporting~~
20 ~~Act. No certificate shall be revoked until the teacher has an~~
21 ~~opportunity for a hearing before the State Teacher~~
22 ~~Certification Board, which hearing must be held within 120 days~~
23 ~~from the date the appeal is taken, unless the teacher or the~~
24 ~~hearing officer appointed by the State Teacher Certification~~
25 ~~Board requests a delay. In such an instance, the stay of the~~
26 ~~revocation proceedings must be continued until the completion~~

1 ~~of the proceedings.~~

2 (b-5) The State Superintendent of Education or his or her
3 designee may initiate and conduct such investigations as may be
4 reasonably necessary to establish the existence of any alleged
5 misconduct. At any stage of the investigation, the State
6 Superintendent may issue a subpoena requiring the attendance
7 and testimony of a witness, including the certificate holder,
8 and the production of any evidence, including files, records,
9 correspondence, or documents, relating to any matter in
10 question in the investigation. The subpoena shall require a
11 witness to appear at the State Board of Education at a
12 specified date and time and shall specify any evidence to be
13 produced. The certificate holder is not entitled to be present,
14 but the State Superintendent shall provide the certificate
15 holder with a copy of any recorded testimony prior to a hearing
16 under this Section. Such recorded testimony must not be used as
17 evidence at a hearing, unless the certificate holder has
18 adequate notice of the testimony and the opportunity to
19 cross-examine the witness. Failure of a certificate holder to
20 comply with a duly-issued, investigatory subpoena is grounds
21 for revocation, suspension, or denial of a certificate.

22 (b-10) All correspondence, documentation, and other
23 information so received by the regional superintendent of
24 schools, the State Superintendent of Education, the State Board
25 of Education, or the State Teacher Certification Board under
26 this Section is confidential and must not be disclosed to third

1 parties, except (i) as necessary for the State Superintendent
2 of Education or his or her designee to investigate and
3 prosecute pursuant to this Article, (ii) pursuant to a court
4 order, (iii) for disclosure to the certificate holder or his or
5 her representative, or (iv) as otherwise required in this Code
6 and provided that any such information admitted into evidence
7 in a hearing shall be exempt from this confidentiality and
8 non-disclosure requirement.

9 (c) The State Superintendent of Education or a person
10 designated by him shall have the power to administer oaths to
11 witnesses at any hearing conducted before the State Teacher
12 Certification Board pursuant to this Section. The State
13 Superintendent of Education or a person designated by him is
14 authorized to subpoena and bring before the State Teacher
15 Certification Board any person in this State and to take
16 testimony either orally or by deposition or by exhibit, with
17 the same fees and mileage and in the same manner as prescribed
18 by law in judicial proceedings in the civil cases in circuit
19 courts of this State.

20 (c-5) Any circuit court, upon the application of the State
21 Superintendent of Education or the certificate holder, may, by
22 order duly entered, require the attendance of witnesses and the
23 production of relevant books and papers as part of any
24 investigation or at any hearing the State Teacher Certification
25 Board ~~State Superintendent of Education~~ is authorized to
26 conduct pursuant to this Section, and the court may compel

1 obedience to its orders by proceedings for contempt.

2 (c-10) The State Board of Education shall receive an annual
3 line item appropriation to cover fees associated with the
4 investigation and prosecution of alleged educator misconduct
5 and hearings related thereto.

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

10 (Source: P.A. 93-679, eff. 6-30-04; 94-991, eff. 1-1-07.)

11 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

12 Sec. 21-23a. Conviction of certain offenses ~~sex or~~
13 ~~narcotics offense, first degree murder, attempted first degree~~
14 ~~murder, or Class X felony~~ as grounds for revocation of
15 certificate.

16 (a) Whenever the holder of any certificate issued pursuant
17 to this Article has been convicted of any sex offense or
18 narcotics offense as defined in this Section, the ~~regional~~
19 ~~superintendent or the~~ State Superintendent of Education shall
20 forthwith suspend the certificate. If the conviction is
21 reversed and the holder is acquitted of the offense in a new
22 trial or the charges against him are dismissed, the suspending
23 authority shall forthwith terminate the suspension of the
24 certificate. When the conviction becomes final, the State
25 Superintendent of Education shall forthwith revoke the

1 certificate. "Sex offense" as used in this Section means any
2 one or more of the following offenses: (1) any offense defined
3 in Sections 11-6 and 11-9.1 through 11-9.5, inclusive, 11-9 and
4 Sections 11-14 through 11-21, inclusive, Sections 11-23 (if
5 punished as a Class 3 felony) and 11-24, and Sections 12-4.9,
6 12-13, 12-14, 12-14.1, 12-15, and 12-16, 12-32, and 12-33 of
7 the Criminal Code of 1961; (2) any attempt to commit any of the
8 foregoing offenses, and (3) any offense committed or attempted
9 in any other state which, if committed or attempted in this
10 State, would have been punishable as one or more of the
11 foregoing offenses. "Narcotics offense" as used in this Section
12 means any one or more of the following offenses: (1) any
13 offense defined in the Cannabis Control Act, except those
14 defined in Sections 4(a), 4(b) and 5(a) of that Act and any
15 offense for which the holder of any certificate is placed on
16 probation under the provisions of Section 10 of that Act,
17 provided that if the terms and conditions of probation required
18 by the court are not fulfilled, the offense is not eligible for
19 this exception and fulfills the terms and conditions of
20 probation as may be required by the court; (2) any offense
21 defined in the Illinois Controlled Substances Act, except any
22 offense for which the holder of any certificate is placed on
23 probation under the provisions of Section 410 of that Act,
24 provided that if the terms and conditions of probation required
25 by the court are not fulfilled, the offense is not eligible for
26 this exception and fulfills the terms and conditions of

1 ~~probation as may be required by the court;~~ (3) any offense
2 defined in the Methamphetamine Control and Community
3 Protection Act, except any offense for which the holder of any
4 certificate is placed on probation under the provision of
5 Section 70 of that Act, provided that if the terms and
6 conditions of probation required by the court are not
7 fulfilled, the offense is not eligible for this exception ~~and~~
8 ~~fulfills the terms and conditions of probation as may be~~
9 ~~required by the court;~~ (4) any attempt to commit any of the
10 foregoing offenses; and (5) any offense committed or attempted
11 in any other state or against the laws of the United States
12 which, if committed or attempted in this State, would have been
13 punishable as one or more of the foregoing offenses. The
14 changes made by this amendatory Act of the 95th General
15 Assembly to the definition of "narcotics offense" in this
16 subsection (a) are declaratory of existing law.

17 (b) Whenever the holder of a certificate issued pursuant to
18 this Article has been convicted of first degree murder,
19 attempted first degree murder, conspiracy to commit first
20 degree murder, attempted conspiracy to commit first degree
21 murder, or a Class X felony or any offense committed or
22 attempted in any other state or against the laws of the United
23 States that, if committed or attempted in this State, would
24 have been punishable as one or more of the foregoing offenses,
25 ~~the regional superintendent or~~ the State Superintendent of
26 Education shall forthwith suspend the certificate. If the

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

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

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

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

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

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

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

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

1 history records check of the applicant through the Department
2 of State Police and its own check of the Statewide Sex Offender
3 Database as provided in subsection (a). Any person who releases
4 any confidential information concerning any criminal
5 convictions of an applicant for employment shall be guilty of a
6 Class A misdemeanor, unless the release of such information is
7 authorized by this Section.

8 (c) The board of education shall not knowingly employ a
9 person who has been convicted of any offense that would subject
10 him or her to certification suspension or revocation pursuant
11 to Section 21-23a of this Code. ~~for committing attempted first~~
12 ~~degree murder or for committing or attempting to commit first~~
13 ~~degree murder or a Class X felony or any one or more of the~~
14 ~~following offenses: (i) those defined in Sections 11 6, 11 9,~~
15 ~~11 14, 11 15, 11 15.1, 11 16, 11 17, 11 18, 11 19, 11 19.1,~~
16 ~~11 19.2, 11 20, 11 20.1, 11 21, 12 13, 12 14, 12 14.1, 12 15~~
17 ~~and 12 16 of the Criminal Code of 1961; (ii) those defined in~~
18 ~~the Cannabis Control Act, except those defined in Sections~~
19 ~~4(a), 4(b) and 5(a) of that Act; (iii) those defined in the~~
20 ~~Illinois Controlled Substances Act; (iv) those defined in the~~
21 ~~Methamphetamine Control and Community Protection Act; and (v)~~
22 ~~any offense committed or attempted in any other state or~~
23 ~~against the laws of the United States, which if committed or~~
24 ~~attempted in this State, would have been punishable as one or~~
25 ~~more of the foregoing offenses.~~ Further, the board of education
26 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 (e) Upon receipt of the record of a conviction of or a
8 finding of child abuse by a holder of any certificate issued
9 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
10 Code, the ~~board of education or the~~ State Superintendent of
11 Education may shall initiate ~~the~~ certificate suspension and
12 revocation proceedings as authorized by law.

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

1 Certification Board under this subsection (e-5) is
2 confidential and must not be disclosed to third parties, except
3 (i) as necessary for the State Superintendent of Education or
4 his or designee to investigate and prosecute pursuant to
5 Article 21 of this Code, (ii) pursuant to a court order, (iii)
6 for disclosure to the certificate holder or his or her
7 representative, or (iv) as otherwise provided in this Code and
8 provided that any such information admitted into evidence in a
9 hearing is exempt from this confidentiality and non-disclosure
10 requirement. Any superintendent who in good faith provides
11 notification as required in this subsection (e-5) shall have
12 immunity from any liability, whether civil or criminal or that
13 otherwise might result by reason of such action. For the
14 purpose of any proceeding, civil or criminal, the good faith of
15 a superintendent must be presumed.

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

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

11 (Source: P.A. 94-219, eff. 7-14-05; 94-556, eff. 9-11-05;
12 94-875, eff. 7-1-06; 94-945, eff. 6-27-06; 95-331, eff.
13 8-21-07.)".