



Sen. Linda Holmes

Filed: 4/22/2010

09600HB5340sam001

LRB096 16870 NHT 40282 a

1 AMENDMENT TO HOUSE BILL 5340

2 AMENDMENT NO. _____. Amend House Bill 5340 on page 1,
3 lines 4 and 5, by replacing "Section 10-21.9" with "Sections
4 10-21.9 and 34-18.5"; and

5 on page 8, immediately below line 18, by inserting the
6 following:

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

1 on page 8, immediately below line 19, by inserting the
2 following:

3 "(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

4 Sec. 34-18.5. Criminal history records checks and checks of
5 the Statewide Sex Offender Database and Statewide Child
6 Murderer and Violent Offender Against Youth Database.

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

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

1 be deposited in the State Police Services Fund and shall not
2 exceed the cost of the inquiry; and the applicant shall not be
3 charged a fee for such check by the school district or by the
4 regional superintendent. Subject to appropriations for these
5 purposes, the State Superintendent of Education shall
6 reimburse the school district and regional superintendent for
7 fees paid to obtain criminal history records checks under this
8 Section.

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

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

18 (b) Any information concerning the record of convictions
19 obtained by the president of the board of education or the
20 regional superintendent shall be confidential and may only be
21 transmitted to the general superintendent of the school
22 district or his designee, the appropriate regional
23 superintendent if the check was requested by the board of
24 education for the school district, the presidents of the
25 appropriate board of education or school boards if the check
26 was requested from the Department of State Police by the

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

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

25 (c) The board of education shall not knowingly employ a
26 person who has been convicted of any offense that would subject

1 him or her to certification suspension or revocation pursuant
2 to Section 21-23a of this Code. Further, the board of education
3 shall not knowingly employ a person who has been found to be
4 the perpetrator of sexual or physical abuse of any minor under
5 18 years of age pursuant to proceedings under Article II of the
6 Juvenile Court Act of 1987.

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

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

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

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

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

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

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

23 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09.)".