



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3246

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5

Amends the School Code. Provides that with respect to criminal history records checks of applicants for employment with a school district, the Department of State Police shall submit a request to the Department of Children and Family Services requesting any documentation related to the applicant. Provides that the Department of State Police shall furnish any documentation it receives to the president of the school board for the school district that requested the check or to the regional superintendent of schools who requested the check. Effective July 1, 2015.

LRB099 10235 NHT 30461 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

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

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

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

1 district that requested the check, or to the regional
2 superintendent who requested the check. The Department shall
3 charge the school district or the appropriate regional
4 superintendent a fee for conducting such check, which fee shall
5 be deposited in the State Police Services Fund and shall not
6 exceed the cost of the inquiry; and the applicant shall not be
7 charged a fee for such check by the school district or by the
8 regional superintendent, except that those applicants seeking
9 employment as a substitute teacher with a school district may
10 be charged a fee not to exceed the cost of the inquiry. Subject
11 to appropriations for these purposes, the State Superintendent
12 of Education shall reimburse school districts and regional
13 superintendents for fees paid to obtain criminal history
14 records checks under this 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 Murderer and Violent
21 Offender Against Youth Database, as authorized by the Murderer
22 and Violent Offender Against Youth Community Notification Law,
23 for each applicant.

24 (a-7) The Department of State Police shall further submit a
25 request to the Department of Children and Family Services
26 requesting any documentation related to the applicant and shall

1 furnish the documentation to the president of the school board
2 for the school district that requested the check or to the
3 regional superintendent who requested the check.

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

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

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

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

18 (d) No school board shall knowingly employ a person for
19 whom a criminal history records check and a Statewide Sex
20 Offender Database check has not been initiated.

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

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

1 who provides notification as required in this subsection (e-5)
2 shall have immunity from any liability, whether civil or
3 criminal or that otherwise might result by reason of such
4 action.

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

26 (g) In order to student teach in the public schools, a

1 person is required to authorize a fingerprint-based criminal
2 history records check and checks of the Statewide Sex Offender
3 Database and Statewide Murderer and Violent Offender Against
4 Youth Database prior to participating in any field experiences
5 in the public schools. Authorization for and payment of the
6 costs of the checks must be furnished by the student teacher.
7 Results of the checks must be furnished to the higher education
8 institution where the student teacher is enrolled and the
9 superintendent of the school district where the student is
10 assigned.

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

17 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
18 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;
19 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

20 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

21 Sec. 34-18.5. Criminal history records checks and checks of
22 the Statewide Sex Offender Database and Statewide Murderer and
23 Violent Offender Against Youth Database.

24 (a) Certified and noncertified applicants for employment
25 with the school district are required as a condition of

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

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

25 (a-5) The school district or regional superintendent shall
26 further perform a check of the Statewide Sex Offender Database,

1 as authorized by the Sex Offender Community Notification Law,
2 for each applicant.

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

8 (a-7) The Department of State Police shall further submit a
9 request to the Department of Children and Family Services
10 requesting any documentation related to the applicant and shall
11 furnish the documentation to the president of the board of
12 education or to the regional superintendent who requested the
13 check.

14 (b) Any information concerning the record of convictions
15 obtained by the president of the board of education or the
16 regional superintendent shall be confidential and may only be
17 transmitted to the general superintendent of the school
18 district or his designee, the appropriate regional
19 superintendent if the check was requested by the board of
20 education for the school district, the presidents of the
21 appropriate board of education or school boards if the check
22 was requested from the Department of State Police by the
23 regional superintendent, the State Superintendent of
24 Education, the State Teacher Certification Board or any other
25 person necessary to the decision of hiring the applicant for
26 employment. A copy of the record of convictions obtained from

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

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

21 (c) The board of education shall not knowingly employ a
22 person who has been convicted of any offense that would subject
23 him or her to license suspension or revocation pursuant to
24 Section 21B-80 of this Code. Further, the board of education
25 shall not knowingly employ a person who has been found to be
26 the perpetrator of sexual or physical abuse of any minor under

1 18 years of age pursuant to proceedings under Article II of the
2 Juvenile Court Act of 1987.

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

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

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

1 confidential and must not be disclosed to third parties, except
2 (i) as necessary for the State Superintendent of Education or
3 his or her designee to investigate and prosecute pursuant to
4 Article 21 of this Code, (ii) pursuant to a court order, (iii)
5 for disclosure to the certificate holder or his or her
6 representative, or (iv) as otherwise provided in this Article
7 and provided that any such information admitted into evidence
8 in a hearing is exempt from this confidentiality and
9 non-disclosure requirement. Except for an act of willful or
10 wanton misconduct, any superintendent who 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.

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

19 (h) Upon request of a school, school district, community
20 college district, or private school, any information obtained
21 by the school district pursuant to subsection (f) of this
22 Section within the last year must be made available to that
23 school, school district, community college district, or
24 private school.

25 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
26 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;

1 97-813, eff. 7-13-12.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2015.