



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3322

by Rep. Charles Meier

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.9

from Ch. 122, par. 10-21.9

Amends the School Code. With regard to criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database, provides that if a substitute teacher who (i) is a retired educator with a Professional Educator License, (ii) has been issued a certificate concerning those checks by a regional superintendent of schools, and (iii) is seeking employment in another educational service region presents the certificate to the regional superintendent of that other educational service region, then the regional superintendent of that other educational service region shall issue its own certificate to the substitute teacher without requiring the substitute teacher to have another criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database performed as a condition of employment as a substitute teacher with a school district in that other educational service region. Effective immediately.

LRB101 11049 AXK 56253 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 Section  
5 10-21.9 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,  
26 forever and hereinafter, until expunged, to the president of

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

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

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

25 (b) Any information concerning the record of convictions  
26 obtained by the president of the school board or the regional

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

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

1 check of the Statewide Sex Offender Database as provided in  
2 subsection (a). Any unauthorized release of confidential  
3 information may be a violation of Section 7 of the Criminal  
4 Identification Act.

5 (b-5) Notwithstanding any other provision of this Section,  
6 if a substitute teacher who (i) is a retired educator with a  
7 Professional Educator License, (ii) has been issued a  
8 certificate by a regional superintendent of schools under  
9 subsection (b), and (iii) is seeking employment in another  
10 educational service region presents the certificate to the  
11 regional superintendent of that other educational service  
12 region, then the regional superintendent of that other  
13 educational service region shall issue its own certificate to  
14 the substitute teacher without requiring the substitute  
15 teacher to have another criminal history records check or check  
16 of the Statewide Sex Offender Database or Statewide Murderer  
17 and Violent Offender Against Youth Database performed under  
18 this Section as a condition of employment as a substitute  
19 teacher with a school district in that other educational  
20 service region.

21 (c) No school board shall knowingly employ a person who has  
22 been convicted of any offense that would subject him or her to  
23 license suspension or revocation pursuant to Section 21B-80 of  
24 this Code. Further, no school board shall knowingly employ a  
25 person who has been found to be the perpetrator of sexual or  
26 physical abuse of any minor under 18 years of age pursuant to

1 proceedings under Article II of the Juvenile Court Act of 1987.

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

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

11 (e-5) The superintendent of the employing school board  
12 shall, in writing, notify the State Superintendent of Education  
13 and the applicable regional superintendent of schools 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 regional superintendent of  
25 schools, the State Superintendent of Education, the State Board  
26 of Education, or the State Teacher Certification Board under



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

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

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

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

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

1 Investigation shall furnish, pursuant to a fingerprint-based  
2 criminal history records check, records of convictions,  
3 forever and hereinafter, until expunged, to the president of  
4 the school board for the school district that requested the  
5 check. The Department shall charge the school district a fee  
6 for conducting the check, which fee must not exceed the cost of  
7 the inquiry and must be deposited into the State Police  
8 Services Fund. The school district shall further perform a  
9 check of the Statewide Sex Offender Database, as authorized by  
10 the Sex Offender Community Notification Law, and of the  
11 Statewide Murderer and Violent Offender Against Youth  
12 Database, as authorized by the Murderer and Violent Offender  
13 Against Youth Registration Act, for each student teacher. No  
14 school board may knowingly allow a person to student teach for  
15 whom a criminal history records check, a Statewide Sex Offender  
16 Database check, and a Statewide Murderer and Violent Offender  
17 Against Youth Database check have not been completed and  
18 reviewed by the district.

19 A copy of the record of convictions obtained from the  
20 Department of State Police must be provided to the student  
21 teacher. Any information concerning the record of convictions  
22 obtained by the president of the school board is confidential  
23 and may only be transmitted to the superintendent of the school  
24 district or his or her designee, the State Superintendent of  
25 Education, the State Educator Preparation and Licensure Board,  
26 or, for clarification purposes, the Department of State Police

1 or the Statewide Sex Offender Database or Statewide Murderer  
2 and Violent Offender Against Youth Database. Any unauthorized  
3 release of confidential information may be a violation of  
4 Section 7 of the Criminal Identification Act.

5 No school board may knowingly allow a person to student  
6 teach who has been convicted of any offense that would subject  
7 him or her to license suspension or revocation pursuant to  
8 Section 21B-80 of this Code or who has been found to be the  
9 perpetrator of sexual or physical abuse of a minor under 18  
10 years of age pursuant to proceedings under Article II of the  
11 Juvenile Court Act of 1987.

12 (h) (Blank).

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

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.