



Rep. Charles Meier

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10100HB3322ham001

LRB101 11049 AXK 58203 a

1 AMENDMENT TO HOUSE BILL 3322

2 AMENDMENT NO. _____. Amend House Bill 3322 by replacing
3 everything after the enacting clause with the following:

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

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

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

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

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

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

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

1 applicant has not been identified in the Database as a sex
2 offender. The school board of any school district may rely on
3 the certificate issued by any regional superintendent to that
4 substitute teacher, concurrent part-time teacher, or
5 concurrent educational support personnel employee or may
6 initiate its own criminal history records check of the
7 applicant through the Department of State Police and its own
8 check of the Statewide Sex Offender Database as provided in
9 subsection (a). Any unauthorized release of confidential
10 information may be a violation of Section 7 of the Criminal
11 Identification Act.

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

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

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

1 authorized by law.

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

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

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

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

5 (g) Prior to the commencement of any student teaching
6 experience or required internship (which is referred to as
7 student teaching in this Section) in the public schools, a
8 student teacher is required to authorize a fingerprint-based
9 criminal history records check. Authorization for and payment
10 of the costs of the check must be furnished by the student
11 teacher to the school district where the student teaching is to
12 be completed. Upon receipt of this authorization and payment,
13 the school district shall submit the student teacher's name,
14 sex, race, date of birth, social security number, fingerprint
15 images, and other identifiers, as prescribed by the Department
16 of State Police, to the Department of State Police. The
17 Department of State Police and the Federal Bureau of
18 Investigation shall furnish, pursuant to a fingerprint-based
19 criminal history records check, records of convictions,
20 forever and hereinafter, until expunged, to the president of
21 the school board for the school district that requested the
22 check. The Department shall charge the school district a fee
23 for conducting the check, which fee must not exceed the cost of
24 the inquiry and must be deposited into the State Police
25 Services Fund. The school district shall further perform a
26 check of the Statewide Sex Offender Database, as authorized by

1 the Sex Offender Community Notification Law, and of the
2 Statewide Murderer and Violent Offender Against Youth
3 Database, as authorized by the Murderer and Violent Offender
4 Against Youth Registration Act, for each student teacher. No
5 school board may knowingly allow a person to student teach for
6 whom a criminal history records check, a Statewide Sex Offender
7 Database check, and a Statewide Murderer and Violent Offender
8 Against Youth Database check have not been completed and
9 reviewed by the district.

10 A copy of the record of convictions obtained from the
11 Department of State Police must be provided to the student
12 teacher. Any information concerning the record of convictions
13 obtained by the president of the school board is confidential
14 and may only be transmitted to the superintendent of the school
15 district or his or her designee, the State Superintendent of
16 Education, the State Educator Preparation and Licensure Board,
17 or, for clarification purposes, the Department of State Police
18 or the Statewide Sex Offender Database or Statewide Murderer
19 and Violent Offender Against Youth Database. Any unauthorized
20 release of confidential information may be a violation of
21 Section 7 of the Criminal Identification Act.

22 No school board may knowingly allow a person to student
23 teach who has been convicted of any offense that would subject
24 him or her to license suspension or revocation pursuant to
25 Section 21B-80 of this Code or who has been found to be the
26 perpetrator of sexual or physical abuse of a minor under 18

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

3 (h) (Blank).

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

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

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

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

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

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

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

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

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

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

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

1 (c) The board of education shall not knowingly employ a
2 person who has been convicted of any offense that would subject
3 him or her to license suspension or revocation pursuant to
4 Section 21B-80 of this Code. Further, the board of education
5 shall not knowingly employ a person who has been found to be
6 the perpetrator of sexual or physical abuse of any minor under
7 18 years of age pursuant to proceedings under Article II of the
8 Juvenile Court Act of 1987.

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

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

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

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

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

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

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

19 (g) Prior to the commencement of any student teaching
20 experience or required internship (which is referred to as
21 student teaching in this Section) in the public schools, a
22 student teacher is required to authorize a fingerprint-based
23 criminal history records check. Authorization for and payment
24 of the costs of the check must be furnished by the student
25 teacher to the school district. Upon receipt of this
26 authorization and payment, the school district shall submit the

1 student teacher's name, sex, race, date of birth, social
2 security number, fingerprint images, and other identifiers, as
3 prescribed by the Department of State Police, to the Department
4 of State Police. The Department of State Police and the Federal
5 Bureau of Investigation shall furnish, pursuant to a
6 fingerprint-based criminal history records check, records of
7 convictions, forever and hereinafter, until expunged, to the
8 president of the board. The Department shall charge the school
9 district a fee for conducting the check, which fee must not
10 exceed the cost of the inquiry and must be deposited into the
11 State Police Services Fund. The school district shall further
12 perform a check of the Statewide Sex Offender Database, as
13 authorized by the Sex Offender Community Notification Law, and
14 of the Statewide Murderer and Violent Offender Against Youth
15 Database, as authorized by the Murderer and Violent Offender
16 Against Youth Registration Act, for each student teacher. The
17 board may not knowingly allow a person to student teach for
18 whom a criminal history records check, a Statewide Sex Offender
19 Database check, and a Statewide Murderer and Violent Offender
20 Against Youth Database check have not been completed and
21 reviewed by the district.

22 A copy of the record of convictions obtained from the
23 Department of State Police must be provided to the student
24 teacher. Any information concerning the record of convictions
25 obtained by the president of the board is confidential and may
26 only be transmitted to the general superintendent of schools or

1 his or her designee, the State Superintendent of Education, the
2 State Educator Preparation and Licensure Board, or, for
3 clarification purposes, the Department of State Police or the
4 Statewide Sex Offender Database or Statewide Murderer and
5 Violent Offender Against Youth Database. Any unauthorized
6 release of confidential information may be a violation of
7 Section 7 of the Criminal Identification Act.

8 The board may not knowingly allow a person to student teach
9 who has been convicted of any offense that would subject him or
10 her to license suspension or revocation pursuant to Section
11 21B-80 of this Code or who has been found to be the perpetrator
12 of sexual or physical abuse of a minor under 18 years of age
13 pursuant to proceedings under Article II of the Juvenile Court
14 Act of 1987.

15 (h) (Blank).

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."