



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5286

by Rep. Daniel Swanson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.9
105 ILCS 5/34-18.5

from Ch. 122, par. 10-21.9
from Ch. 122, par. 34-18.5

Amends the School Code. Provides that a school district seeking to employ a substitute teacher may use information in the Educator Licensure Information System rather than initiating its own criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Effective immediately.

LRB101 18396 NHT 67844 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) Licensed and nonlicensed 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 disqualifying,
15 enumerated criminal or drug offenses in subsection (c) of this
16 Section or have been convicted, within 7 years of the
17 application for employment with the school district, of any
18 other felony under the laws of this State or of any offense
19 committed or attempted in any other state or against the laws
20 of the United States that, if committed or attempted in this
21 State, would have been punishable as a felony under the laws of
22 this State. Authorization for the check shall be furnished by
23 the applicant to the school district, except that if the

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

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

17 (a-5) The school district or regional superintendent shall
18 further perform a check of the Statewide Sex Offender Database,
19 as authorized by the Sex Offender Community Notification Law,
20 for each applicant. The check of the Statewide Sex Offender
21 Database must be conducted by the school district or regional
22 superintendent once for every 5 years that an applicant remains
23 employed by the school district.

24 (a-6) The school district or regional superintendent shall
25 further perform a check of the Statewide Murderer and Violent
26 Offender Against Youth Database, as authorized by the Murderer

1 and Violent Offender Against Youth Community Notification Law,
2 for each applicant. The check of the Murderer and Violent
3 Offender Against Youth Database must be conducted by the school
4 district or regional superintendent once for every 5 years that
5 an applicant remains employed by the school district.

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 Board of Education and a school district as authorized
15 under subsection (b-5), the State Superintendent of Education,
16 the State Educator Preparation and Licensure Board, any other
17 person necessary to the decision of hiring the applicant for
18 employment, or for clarification purposes the Department of
19 State Police or Statewide Sex Offender Database, or both. A
20 copy of the record of convictions obtained from the Department
21 of State Police shall be provided to the applicant for
22 employment. Upon the check of the Statewide Sex Offender
23 Database or Statewide Murderer and Violent Offender Against
24 Youth Database, the school district or regional superintendent
25 shall notify an applicant as to whether or not the applicant
26 has been identified in the Database. If a check of an applicant

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

1 punishable as a felony under the laws of this State and
2 evidencing that as of the date that the regional superintendent
3 conducted a check of the Statewide Sex Offender Database or
4 Statewide Murderer and Violent Offender Against Youth
5 Database, the applicant has not been identified in the
6 Database. The school board of any school district may rely on
7 the certificate issued by any regional superintendent to that
8 substitute teacher, concurrent part-time teacher, or
9 concurrent educational support personnel employee or may
10 initiate its own criminal history records check of the
11 applicant through the Department of State Police and its own
12 check of the Statewide Sex Offender Database or Statewide
13 Murderer and Violent Offender Against Youth Database as
14 provided in this Section. Any unauthorized release of
15 confidential information may be a violation of Section 7 of the
16 Criminal Identification Act.

17 (b-5) If a criminal history records check or check of the
18 Statewide Sex Offender Database or Statewide Murderer and
19 Violent Offender Against Youth Database is performed by a
20 regional superintendent for an applicant seeking employment as
21 a substitute teacher with a school district, the regional
22 superintendent may disclose to the State Board of Education
23 whether the applicant has been issued a certificate under
24 subsection (b) based on those checks. If the State Board
25 receives information on an applicant under this subsection,
26 then it must indicate in the Educator Licensure Information

1 System for a 90-day period that the applicant has been issued
2 or has not been issued a certificate. Notwithstanding
3 subsection (b), a school district seeking to employ the
4 substitute teacher may use the information in the Educator
5 Licensure Information System rather than initiating its own
6 criminal history records check or check of the Statewide Sex
7 Offender Database or Statewide Murderer and Violent Offender
8 Against Youth Database under this Section.

9 (c) No school board shall knowingly employ a person who has
10 been convicted of any offense that would subject him or her to
11 license suspension or revocation pursuant to Section 21B-80 of
12 this Code, except as provided under subsection (b) of Section
13 21B-80. Further, no school board shall knowingly employ a
14 person who has been found to be the perpetrator of sexual or
15 physical abuse of any minor under 18 years of age pursuant to
16 proceedings under Article II of the Juvenile Court Act of 1987.
17 As a condition of employment, each school board must consider
18 the status of a person who has been issued an indicated finding
19 of abuse or neglect of a child by the Department of Children
20 and Family Services under the Abused and Neglected Child
21 Reporting Act or by a child welfare agency of another
22 jurisdiction.

23 (d) No school board shall knowingly employ a person for
24 whom a criminal history records check and a Statewide Sex
25 Offender Database check have ~~has~~ not been initiated.

26 (e) If permissible by federal or State law, no later than

1 15 business days after receipt of a record of conviction or of
2 checking the Statewide Murderer and Violent Offender Against
3 Youth Database or the Statewide Sex Offender Database and
4 finding a registration, the superintendent of the employing
5 school board or the applicable regional superintendent shall,
6 in writing, notify the State Superintendent of Education of any
7 license holder who has been convicted of a crime set forth in
8 Section 21B-80 of this Code. Upon receipt of the record of a
9 conviction of or a finding of child abuse by a holder of any
10 license issued pursuant to Article 21B or Section 34-8.1 or
11 34-83 of the School Code, the State Superintendent of Education
12 may initiate licensure suspension and revocation proceedings
13 as authorized by law. If the receipt of the record of
14 conviction or finding of child abuse is received within 6
15 months after the initial grant of or renewal of a license, the
16 State Superintendent of Education may rescind the license
17 holder's license.

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

1 notification must be submitted within 30 days after the
2 dismissal or resignation. The license holder must also be
3 contemporaneously sent a copy of the notice by the
4 superintendent. All correspondence, documentation, and other
5 information so received by the regional superintendent of
6 schools, the State Superintendent of Education, the State Board
7 of Education, or the State Educator Preparation and Licensure
8 Board under this subsection (e-5) is confidential and must not
9 be disclosed to third parties, except (i) as necessary for the
10 State Superintendent of Education or his or her designee to
11 investigate and prosecute pursuant to Article 21B of this Code,
12 (ii) pursuant to a court order, (iii) for disclosure to the
13 license holder or his or her representative, or (iv) as
14 otherwise provided in this Article and provided that any such
15 information admitted into evidence in a hearing is exempt from
16 this confidentiality and non-disclosure requirement. Except
17 for an act of willful or wanton misconduct, any superintendent
18 who provides notification as required in this subsection (e-5)
19 shall have immunity from any liability, whether civil or
20 criminal or that otherwise might result by reason of such
21 action.

22 (f) After January 1, 1990 the provisions of this Section
23 shall apply to all employees of persons or firms holding
24 contracts with any school district including, but not limited
25 to, food service workers, school bus drivers and other
26 transportation employees, who have direct, daily contact with

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

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

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

1 teacher to the school district where the student teaching is to
2 be completed. Upon receipt of this authorization and payment,
3 the school district shall submit the student teacher's name,
4 sex, race, date of birth, social security number, fingerprint
5 images, and other identifiers, as prescribed by the Department
6 of State Police, to the Department of State Police. The
7 Department of State Police and the Federal Bureau of
8 Investigation shall furnish, pursuant to a fingerprint-based
9 criminal history records check, records of convictions,
10 forever and hereinafter, until expunged, to the president of
11 the school board for the school district that requested the
12 check. The Department shall charge the school district a fee
13 for conducting the check, which fee must not exceed the cost of
14 the inquiry and must be deposited into the State Police
15 Services Fund. The school district shall further perform a
16 check of the Statewide Sex Offender Database, as authorized by
17 the Sex Offender Community Notification Law, and of the
18 Statewide Murderer and Violent Offender Against Youth
19 Database, as authorized by the Murderer and Violent Offender
20 Against Youth Registration Act, for each student teacher. No
21 school board may knowingly allow a person to student teach for
22 whom a criminal history records check, a Statewide Sex Offender
23 Database check, and a Statewide Murderer and Violent Offender
24 Against Youth Database check have not been completed and
25 reviewed by the district.

26 A copy of the record of convictions obtained from the

1 Department of State Police must be provided to the student
2 teacher. Any information concerning the record of convictions
3 obtained by the president of the school board is confidential
4 and may only be transmitted to the superintendent of the school
5 district or his or her designee, the State Superintendent of
6 Education, the State Educator Preparation and Licensure Board,
7 or, for clarification purposes, the Department of State Police
8 or the Statewide Sex Offender Database or Statewide Murderer
9 and Violent Offender Against Youth Database. Any unauthorized
10 release of confidential information may be a violation of
11 Section 7 of the Criminal Identification Act.

12 No school board shall knowingly allow a person to student
13 teach who has been convicted of any offense that would subject
14 him or her to license suspension or revocation pursuant to
15 subsection (c) of Section 21B-80 of this Code, except as
16 provided under subsection (b) of Section 21B-80. Further, no
17 school board shall allow a person to student teach if he or she
18 has been found to be the perpetrator of sexual or physical
19 abuse of a minor under 18 years of age pursuant to proceedings
20 under Article II of the Juvenile Court Act of 1987. Each school
21 board must consider the status of a person to student teach who
22 has been issued an indicated finding of abuse or neglect of a
23 child by the Department of Children and Family Services under
24 the Abused and Neglected Child Reporting Act or by a child
25 welfare agency of another jurisdiction.

26 (h) (Blank).

1 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
2 revised 12-3-19.)

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 Murderer and
6 Violent Offender Against Youth Database.

7 (a) Licensed and nonlicensed 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 disqualifying, enumerated criminal or drug
12 offense ~~offenses~~ in subsection (c) of this Section or have 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.
19 Authorization for the check shall be furnished by the applicant
20 to the school district, except that if the applicant is a
21 substitute teacher seeking employment in more than one school
22 district, or a teacher seeking concurrent part-time employment
23 positions with more than one school district (as a reading
24 specialist, special education teacher or otherwise), or an
25 educational support personnel employee seeking employment

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

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

8 (a-5) The school district or regional superintendent shall
9 further perform a check of the Statewide Sex Offender Database,
10 as authorized by the Sex Offender Community Notification Law,
11 for each applicant. The check of the Statewide Sex Offender
12 Database must be conducted by the school district or regional
13 superintendent once for every 5 years that an applicant remains
14 employed by the school district.

15 (a-6) The school district or regional superintendent shall
16 further perform a check of the Statewide Murderer and Violent
17 Offender Against Youth Database, as authorized by the Murderer
18 and Violent Offender Against Youth Community Notification Law,
19 for each applicant. The check of the Murderer and Violent
20 Offender Against Youth Database must be conducted by the school
21 district or regional superintendent once for every 5 years that
22 an applicant remains employed by the school district.

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

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

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

1 initiate its own criminal history records check of the
2 applicant through the Department of State Police and its own
3 check of the Statewide Sex Offender Database or Statewide
4 Murderer and Violent Offender Against Youth Database as
5 provided in this Section. Any unauthorized release of
6 confidential information may be a violation of Section 7 of the
7 Criminal Identification Act.

8 (b-5) If a criminal history records check or check of the
9 Statewide Sex Offender Database or Statewide Murderer and
10 Violent Offender Against Youth Database is performed by a
11 regional superintendent for an applicant seeking employment as
12 a substitute teacher with the school district, the regional
13 superintendent may disclose to the State Board of Education
14 whether the applicant has been issued a certificate under
15 subsection (b) based on those checks. If the State Board
16 receives information on an applicant under this subsection,
17 then it must indicate in the Educator Licensure Information
18 System for a 90-day period that the applicant has been issued
19 or has not been issued a certificate. Notwithstanding
20 subsection (b), the school district may use the information in
21 the Educator Licensure Information System rather than
22 initiating its own criminal history records check or check of
23 the Statewide Sex Offender Database or Statewide Murderer and
24 Violent Offender Against Youth Database under 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 license suspension or revocation pursuant to
2 Section 21B-80 of this Code, except as provided under
3 subsection (b) of 21B-80. Further, the board of education shall
4 not knowingly employ a person who has been found to be the
5 perpetrator of sexual or physical abuse of any minor under 18
6 years of age pursuant to proceedings under Article II of the
7 Juvenile Court Act of 1987. As a condition of employment, the
8 board of education must consider the status of a person who has
9 been issued an indicated finding of abuse or neglect of a child
10 by the Department of Children and Family Services under the
11 Abused and Neglected Child Reporting Act or by a child welfare
12 agency of another jurisdiction.

13 (d) The board of education shall not knowingly employ a
14 person for whom a criminal history records check and a
15 Statewide Sex Offender Database check have ~~has~~ not been
16 initiated.

17 (e) No later than 15 business days after receipt of a
18 record of conviction or of checking the Statewide Murderer and
19 Violent Offender Against Youth Database or the Statewide Sex
20 Offender Database and finding a registration, the general
21 superintendent of schools or the applicable regional
22 superintendent shall, in writing, notify the State
23 Superintendent of Education of any license holder who has been
24 convicted of a crime set forth in Section 21B-80 of this Code.
25 Upon receipt of the record of a conviction of or a finding of
26 child abuse by a holder of any license issued pursuant to

1 Article 21B or Section 34-8.1 or 34-83 of this ~~the School~~ Code,
2 the State Superintendent of Education may initiate licensure
3 suspension and revocation proceedings as authorized by law. If
4 the receipt of the record of conviction or finding of child
5 abuse is received within 6 months after the initial grant of or
6 renewal of a license, the State Superintendent of Education may
7 rescind the license holder's license.

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

1 for disclosure to the license holder or his or her
2 representative, or (iv) as otherwise provided in this Article
3 and provided that any such information admitted into evidence
4 in a hearing is exempt from this confidentiality and
5 non-disclosure requirement. Except for an act of willful or
6 wanton misconduct, any superintendent who provides
7 notification as required in this subsection (e-5) shall have
8 immunity from any liability, whether civil or criminal or that
9 otherwise might result by reason of such action.

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

1 conviction and identification as a sex offender of any such
2 employee obtained by the regional superintendent shall be
3 promptly reported to the president of the appropriate school
4 board or school boards.

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

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

1 State Police Services Fund. The school district shall further
2 perform a check of the Statewide Sex Offender Database, as
3 authorized by the Sex Offender Community Notification Law, and
4 of the Statewide Murderer and Violent Offender Against Youth
5 Database, as authorized by the Murderer and Violent Offender
6 Against Youth Registration Act, for each student teacher. The
7 board may not knowingly allow a person to student teach for
8 whom a criminal history records check, a Statewide Sex Offender
9 Database check, and a Statewide Murderer and Violent Offender
10 Against Youth Database check have not been completed and
11 reviewed by the district.

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

24 The board may not knowingly allow a person to student teach
25 who has been convicted of any offense that would subject him or
26 her to license suspension or revocation pursuant to subsection

1 (c) of Section 21B-80 of this Code, except as provided under
2 subsection (b) of Section 21B-80. Further, the board may not
3 allow a person to student teach if he or she has been found to
4 be the perpetrator of sexual or physical abuse of a minor under
5 18 years of age pursuant to proceedings under Article II of the
6 Juvenile Court Act of 1987. The board must consider the status
7 of a person to student teach who has been issued an indicated
8 finding of abuse or neglect of a child by the Department of
9 Children and Family Services under the Abused and Neglected
10 Child Reporting Act or by a child welfare agency of another
11 jurisdiction.

12 (h) (Blank).

13 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
14 revised 9-19-19.)

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