

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, 21B-75, 21B-80, 21B-85, 24-11, 24-14, and 34-18.5 as
6 follows:

7 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

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

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

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

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

26 (a-6) The school district or regional superintendent shall

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

9 (b) Any information concerning the record of convictions
10 obtained by the president of the school board or the regional
11 superintendent shall be confidential and may only be
12 transmitted to the superintendent of the school district or
13 his designee, the appropriate regional superintendent if the
14 check was requested by the school district, the presidents of
15 the appropriate school boards if the check was requested from
16 the Department of State Police by the regional superintendent,
17 the State Board of Education and a school district as
18 authorized under subsection (b-5), the State Superintendent of
19 Education, the State Educator Preparation and Licensure Board,
20 any other person necessary to the decision of hiring the
21 applicant for employment, or for clarification purposes the
22 Department of State Police or Statewide Sex Offender Database,
23 or both. A copy of the record of convictions obtained from the
24 Department of State Police shall be provided to the applicant
25 for employment. Upon the check of the Statewide Sex Offender
26 Database or Statewide Murderer and Violent Offender Against

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

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

20 (b-5) If a criminal history records check or check of the
21 Statewide Sex Offender Database or Statewide Murderer and
22 Violent Offender Against Youth Database is performed by a
23 regional superintendent for an applicant seeking employment as
24 a substitute teacher with a school district, the regional
25 superintendent may disclose to the State Board of Education
26 whether the applicant has been issued a certificate under

1 subsection (b) based on those checks. If the State Board
2 receives information on an applicant under this subsection,
3 then it must indicate in the Educator Licensure Information
4 System for a 90-day period that the applicant has been issued
5 or has not been issued a certificate.

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

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

23 (e) Within 10 days after a superintendent, regional office
24 of education, or entity that provides background checks of
25 license holders to public schools receives information of a
26 pending criminal charge against a license holder for an

1 offense set forth in Section 21B-80 of this Code, the
2 superintendent, regional office of education, or entity must
3 notify the State Superintendent of Education of the pending
4 criminal charge.

5 If permissible by federal or State law, no later than 15
6 business days after receipt of a record of conviction or of
7 checking the Statewide Murderer and Violent Offender Against
8 Youth Database or the Statewide Sex Offender Database and
9 finding a registration, the superintendent of the employing
10 school board or the applicable regional superintendent shall,
11 in writing, notify the State Superintendent of Education of
12 any license holder who has been convicted of a crime set forth
13 in Section 21B-80 of this Code. Upon receipt of the record of a
14 conviction of or a finding of child abuse by a holder of any
15 license issued pursuant to Article 21B or Section 34-8.1 or
16 34-83 of the School Code, the State Superintendent of
17 Education may initiate licensure suspension and revocation
18 proceedings as authorized by law. If the receipt of the record
19 of conviction or finding of child abuse is received within 6
20 months after the initial grant of or renewal of a license, the
21 State Superintendent of Education may rescind the license
22 holder's license.

23 (e-5) The superintendent of the employing school board
24 shall, in writing, notify the State Superintendent of
25 Education and the applicable regional superintendent of
26 schools of any license holder whom he or she has reasonable

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

1 immunity from any liability, whether civil or criminal or that
2 otherwise might result by reason of such action.

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

24 (f-5) Upon request of a school or school district, any
25 information obtained by a school district pursuant to
26 subsection (f) of this Section within the last year must be

1 made available to the requesting school or school district.

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

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

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

20 No school board shall knowingly allow a person to student
21 teach who has been convicted of any offense that would subject
22 him or her to license suspension or revocation pursuant to
23 subsection (c) of Section 21B-80 of this Code, except as
24 provided under subsection (b) of Section 21B-80. Further, no
25 school board shall allow a person to student teach if he or she
26 has been found to be the perpetrator of sexual or physical

1 abuse of a minor under 18 years of age pursuant to proceedings
2 under Article II of the Juvenile Court Act of 1987. Each school
3 board must consider the status of a person to student teach who
4 has been issued an indicated finding of abuse or neglect of a
5 child by the Department of Children and Family Services under
6 the Abused and Neglected Child Reporting Act or by a child
7 welfare agency of another jurisdiction.

8 (h) (Blank).

9 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
10 101-643, eff. 6-18-20.)

11 (105 ILCS 5/21B-75)

12 Sec. 21B-75. Suspension or revocation of license, l
13 endorsement, or approval.

14 (a) As used in this Section, "teacher" means any school
15 district employee regularly required to be licensed, as
16 provided in this Article, in order to teach or supervise in the
17 public schools.

18 (b) The State Superintendent of Education has the
19 exclusive authority, in accordance with this Section and any
20 rules adopted by the State Board of Education, in consultation
21 with the State Educator Preparation and Licensure Board, to
22 initiate the suspension of up to 5 calendar years or
23 revocation of any license, endorsement, or approval issued
24 pursuant to this Article for abuse or neglect of a child,
25 immorality, a condition of health detrimental to the welfare

1 of pupils, incompetency, unprofessional conduct (which
2 includes the failure to disclose on an employment application
3 any previous conviction for a sex offense, as defined in
4 Section 21B-80 of this Code, or any other offense committed in
5 any other state or against the laws of the United States that,
6 if committed in this State, would be punishable as a sex
7 offense, as defined in Section 21B-80 of this Code), the
8 neglect of any professional duty, willful or negligent failure
9 to report an instance of suspected child abuse or neglect as
10 required by the Abused and Neglected Child Reporting Act, or
11 other just cause. Negligent failure to report an instance of
12 suspected child abuse or neglect occurs when a teacher
13 personally observes an instance of suspected child abuse or
14 neglect and reasonably believes, in his or her professional or
15 official capacity, that the instance constitutes an act of
16 child abuse or neglect under the Abused and Neglected Child
17 Reporting Act, and he or she, without willful intent, fails to
18 immediately report or cause a report to be made of the
19 suspected abuse or neglect to the Department of Children and
20 Family Services, as required by the Abused and Neglected Child
21 Reporting Act. Unprofessional conduct shall include the
22 refusal to attend or participate in institutes, teachers'
23 meetings, or professional readings or to meet other reasonable
24 requirements of the regional superintendent of schools or
25 State Superintendent of Education. Unprofessional conduct also
26 includes conduct that violates the standards, ethics, or rules

1 applicable to the security, administration, monitoring, or
2 scoring of or the reporting of scores from any assessment test
3 or examination administered under Section 2-3.64a-5 of this
4 Code or that is known or intended to produce or report
5 manipulated or artificial, rather than actual, assessment or
6 achievement results or gains from the administration of those
7 tests or examinations. Unprofessional conduct shall also
8 include neglect or unnecessary delay in the making of
9 statistical and other reports required by school officers.
10 Incompetency shall include, without limitation, 2 or more
11 school terms of service for which the license holder has
12 received an unsatisfactory rating on a performance evaluation
13 conducted pursuant to Article 24A of this Code within a period
14 of 7 school terms of service. In determining whether to
15 initiate action against one or more licenses based on
16 incompetency and the recommended sanction for such action, the
17 State Superintendent shall consider factors that include
18 without limitation all of the following:

19 (1) Whether the unsatisfactory evaluation ratings
20 occurred prior to June 13, 2011 (the effective date of
21 Public Act 97-8).

22 (2) Whether the unsatisfactory evaluation ratings
23 occurred prior to or after the implementation date, as
24 defined in Section 24A-2.5 of this Code, of an evaluation
25 system for teachers in a school district.

26 (3) Whether the evaluator or evaluators who performed

1 an unsatisfactory evaluation met the pre-licensure and
2 training requirements set forth in Section 24A-3 of this
3 Code.

4 (4) The time between the unsatisfactory evaluation
5 ratings.

6 (5) The quality of the remediation plans associated
7 with the unsatisfactory evaluation ratings and whether the
8 license holder successfully completed the remediation
9 plans.

10 (6) Whether the unsatisfactory evaluation ratings were
11 related to the same or different assignments performed by
12 the license holder.

13 (7) Whether one or more of the unsatisfactory
14 evaluation ratings occurred in the first year of a
15 teaching or administrative assignment.

16 When initiating an action against one or more licenses, the
17 State Superintendent may seek required professional
18 development as a sanction in lieu of or in addition to
19 suspension or revocation. Any such required professional
20 development must be at the expense of the license holder, who
21 may use, if available and applicable to the requirements
22 established by administrative or court order, training,
23 coursework, or other professional development funds in
24 accordance with the terms of an applicable collective
25 bargaining agreement entered into after June 13, 2011 (the
26 effective date of Public Act 97-8), unless that agreement

1 specifically precludes use of funds for such purpose.

2 (c) The State Superintendent of Education shall, upon
3 receipt of evidence of abuse or neglect of a child,
4 immorality, a condition of health detrimental to the welfare
5 of pupils, incompetency (subject to subsection (b) of this
6 Section), unprofessional conduct, the neglect of any
7 professional duty, or other just cause, further investigate
8 and, if and as appropriate, serve written notice to the
9 individual and afford the individual opportunity for a hearing
10 prior to suspension, revocation, or other sanction; provided
11 that the State Superintendent is under no obligation to
12 initiate such an investigation if the Department of Children
13 and Family Services is investigating the same or substantially
14 similar allegations and its child protective service unit has
15 not made its determination, as required under Section 7.12 of
16 the Abused and Neglected Child Reporting Act. If the State
17 Superintendent of Education does not receive from an
18 individual a request for a hearing within 10 days after the
19 individual receives notice, the suspension, revocation, or
20 other sanction shall immediately take effect in accordance
21 with the notice. If a hearing is requested within 10 days after
22 notice of an opportunity for hearing, it shall act as a stay of
23 proceedings until the State Educator Preparation and Licensure
24 Board issues a decision. Any hearing shall take place in the
25 educational service region where the educator is or was last
26 employed and in accordance with rules adopted by the State

1 Board of Education, in consultation with the State Educator
2 Preparation and Licensure Board, and such rules shall include
3 without limitation provisions for discovery and the sharing of
4 information between parties prior to the hearing. The standard
5 of proof for any administrative hearing held pursuant to this
6 Section shall be by the preponderance of the evidence. The
7 decision of the State Educator Preparation and Licensure Board
8 is a final administrative decision and is subject to judicial
9 review by appeal of either party.

10 The State Board of Education may refuse to issue or may
11 suspend the license of any person who fails to file a return or
12 to pay the tax, penalty, or interest shown in a filed return or
13 to pay any final assessment of tax, penalty, or interest, as
14 required by any tax Act administered by the Department of
15 Revenue, until such time as the requirements of any such tax
16 Act are satisfied.

17 The exclusive authority of the State Superintendent of
18 Education to initiate suspension or revocation of a license
19 pursuant to this Section does not preclude a regional
20 superintendent of schools from cooperating with the State
21 Superintendent or a State's Attorney with respect to an
22 investigation of alleged misconduct.

23 (d) The State Superintendent of Education or his or her
24 designee may initiate and conduct such investigations as may
25 be reasonably necessary to establish the existence of any
26 alleged misconduct. At any stage of the investigation, the

1 State Superintendent may issue a subpoena requiring the
2 attendance and testimony of a witness, including the license
3 holder, and the production of any evidence, including files,
4 records, correspondence, or documents, relating to any matter
5 in question in the investigation. The subpoena shall require a
6 witness to appear at the State Board of Education at a
7 specified date and time and shall specify any evidence to be
8 produced. The license holder is not entitled to be present,
9 but the State Superintendent shall provide the license holder
10 with a copy of any recorded testimony prior to a hearing under
11 this Section. Such recorded testimony must not be used as
12 evidence at a hearing, unless the license holder has adequate
13 notice of the testimony and the opportunity to cross-examine
14 the witness. Failure of a license holder to comply with a duly
15 issued, investigatory subpoena may be grounds for revocation,
16 suspension, or denial of a license.

17 (e) All correspondence, documentation, and other
18 information so received by the regional superintendent of
19 schools, the State Superintendent of Education, the State
20 Board of Education, or the State Educator Preparation and
21 Licensure Board under this Section is confidential and must
22 not be disclosed to third parties, except (i) as necessary for
23 the State Superintendent of Education or his or her designee
24 to investigate and prosecute pursuant to this Article, (ii)
25 pursuant to a court order, (iii) for disclosure to the license
26 holder or his or her representative, or (iv) as otherwise

1 required in this Article and provided that any such
2 information admitted into evidence in a hearing is exempt from
3 this confidentiality and non-disclosure requirement.

4 (f) The State Superintendent of Education or a person
5 designated by him or her shall have the power to administer
6 oaths to witnesses at any hearing conducted before the State
7 Educator Preparation and Licensure Board pursuant to this
8 Section. The State Superintendent of Education or a person
9 designated by him or her is authorized to subpoena and bring
10 before the State Educator Preparation and Licensure Board any
11 person in this State and to take testimony either orally or by
12 deposition or by exhibit, with the same fees and mileage and in
13 the same manner as prescribed by law in judicial proceedings
14 in civil cases in circuit courts of this State.

15 (g) Any circuit court, upon the application of the State
16 Superintendent of Education or the license holder, may, by
17 order duly entered, require the attendance of witnesses and
18 the production of relevant books and papers as part of any
19 investigation or at any hearing the State Educator Preparation
20 and Licensure Board is authorized to conduct pursuant to this
21 Section, and the court may compel obedience to its orders by
22 proceedings for contempt.

23 (h) The State Board of Education shall receive an annual
24 line item appropriation to cover fees associated with the
25 investigation and prosecution of alleged educator misconduct
26 and hearings related thereto.

1 (Source: P.A. 100-872, eff. 8-14-18; 101-531, eff. 8-23-19.)

2 (105 ILCS 5/21B-80)

3 Sec. 21B-80. Conviction of certain offenses as grounds for
4 disqualification for licensure or suspension or revocation of
5 a license.

6 (a) As used in this Section:

7 "Drug offense" means any one or more of the following
8 offenses:

9 (1) Any offense defined in the Cannabis Control Act,
10 except those defined in subdivisions (a), (b), and (c) of
11 Section 4 and subdivisions (a) and (b) of Section 5 of the
12 Cannabis Control Act and any offense for which the holder
13 of a license is placed on probation under the provisions
14 of Section 10 of the Cannabis Control Act, provided that
15 if the terms and conditions of probation required by the
16 court are not fulfilled, the offense is not eligible for
17 this exception.

18 (2) Any offense defined in the Illinois Controlled
19 Substances Act, except any offense for which the holder of
20 a license is placed on probation under the provisions of
21 Section 410 of the Illinois Controlled Substances Act,
22 provided that if the terms and conditions of probation
23 required by the court are not fulfilled, the offense is
24 not eligible for this exception.

25 (3) Any offense defined in the Methamphetamine Control

1 and Community Protection Act, except any offense for which
2 the holder of a license is placed on probation under the
3 provision of Section 70 of that Act, provided that if the
4 terms and conditions of probation required by the court
5 are not fulfilled, the offense is not eligible for this
6 exception.

7 (4) Any attempt to commit any of the offenses listed
8 in items (1) through (3) of this definition.

9 (5) Any offense committed or attempted in any other
10 state or against the laws of the United States that, if
11 committed or attempted in this State, would have been
12 punishable as one or more of the offenses listed in items
13 (1) through (4) of this definition.

14 The changes made by Public Act 96-431 to this definition are
15 declaratory of existing law.

16 "Sentence" includes any period of supervised release or
17 probation that was imposed either alone or in combination with
18 a period of incarceration.

19 "Sex or other offense" means any one or more of the
20 following offenses:

21 (A) Any offense defined in Article 9 of the Criminal
22 Code of 1961 or the Criminal Code of 2012; Sections 11-6,
23 11-9 through 11-9.5, inclusive, and 11-30 (if punished as
24 a Class 4 felony) of the Criminal Code of 1961 or the
25 Criminal Code of 2012; Sections 11-14.1 through 11-21,
26 inclusive, of the Criminal Code of 1961 or the Criminal

1 Code of 2012; Sections 11-23 (if punished as a Class 3
2 felony), 11-24, 11-25, and 11-26 of the Criminal Code of
3 1961 or the Criminal Code of 2012; Section 10-5.1,
4 subsection (c) of Section 10-9, and Sections 11-6.6,
5 11-11, 12-3.05, 12-3.3, 12-6.4, 12-7.1, 12-34, 12-34.5,
6 and 12-35 of the Criminal Code of 2012; and Sections
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
8 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if
9 punished pursuant to subdivision (4) or (5) of subsection
10 (d) of Section 26-4) of the Criminal Code of 1961 or the
11 Criminal Code of 2012.

12 (B) Any attempt to commit any of the offenses listed
13 in item (A) of this definition.

14 (C) Any offense committed or attempted in any other
15 state that, if committed or attempted in this State, would
16 have been punishable as one or more of the offenses listed
17 in items (A) and (B) of this definition.

18 (b) Whenever the holder of any license issued pursuant to
19 this Article or applicant for a license to be issued pursuant
20 to this Article has been convicted of any drug offense, other
21 than as provided in subsection (c) of this Section, the State
22 Superintendent of Education shall forthwith suspend the
23 license or deny the application, whichever is applicable,
24 until 7 years following the end of the sentence for the
25 criminal offense. If the conviction is reversed and the holder
26 is acquitted of the offense in a new trial or the charges

1 against him or her are dismissed, the State Superintendent of
2 Education shall forthwith terminate the suspension of the
3 license.

4 (b-5) Whenever the holder of a license issued pursuant to
5 this Article or applicant for a license to be issued pursuant
6 to this Article has been charged with attempting to commit,
7 conspiring to commit, soliciting, or committing any sex or
8 other offense, as enumerated under item (A) of subsection (a),
9 first degree murder, or a Class X felony or 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 one or more of the
13 foregoing offenses, the State Superintendent of Education
14 shall immediately suspend the license or deny the application
15 until the person's criminal charges are adjudicated through a
16 court of competent jurisdiction. If the person is acquitted,
17 his or her license or application shall be immediately
18 reinstated.

19 (c) Whenever the holder of a license issued pursuant to
20 this Article or applicant for a license to be issued pursuant
21 to this Article has been convicted of attempting to commit,
22 conspiring to commit, soliciting, or committing any sex or
23 other offense, as enumerated under item (A) of subsection (a),
24 first degree murder, or a Class X felony or any offense
25 committed or attempted in any other state or against the laws
26 of the United States that, if committed or attempted in this

1 State, would have been punishable as one or more of the
2 foregoing offenses, the State Superintendent of Education
3 shall forthwith suspend the license or deny the application,
4 whichever is applicable. If the conviction is reversed and the
5 holder is acquitted of that offense in a new trial or the
6 charges that he or she committed that offense are dismissed,
7 the State Superintendent of Education shall forthwith
8 terminate the suspension of the license. When the conviction
9 becomes final, the State Superintendent of Education shall
10 forthwith revoke the license.

11 (Source: P.A. 101-531, eff. 8-23-19.)

12 (105 ILCS 5/21B-85)

13 Sec. 21B-85. Conviction of felony.

14 (a) Whenever the holder of any license issued under this
15 Article is employed by the school board of a school district,
16 including a special charter district or a school district
17 organized under Article 34 of this Code, and is convicted,
18 either after a bench trial, trial by jury, or plea of guilty,
19 of any offense for which a sentence to death or a term of
20 imprisonment in a penitentiary for one year or more is
21 provided, the school board shall promptly notify the State
22 Superintendent of Education, in writing, of the name of the
23 license holder, the fact of the conviction, and the name and
24 location of the court in which the conviction occurred.

25 (b) Whenever the school board of a school district,

1 including a special charter district or a school district
2 organized under Article 34 of this Code, ~~State Superintendent~~
3 ~~of Education receives notice of a conviction under subsection~~
4 ~~(a) of this Section or otherwise~~ learns that any person who is
5 a teacher, as that term is defined in Section 16-106 of the
6 Illinois Pension Code, has been convicted, either after a
7 bench trial, trial by jury, or plea of guilty, of any offense
8 for which a sentence to death or a term of imprisonment in a
9 penitentiary for one year or more is provided, the school
10 board ~~State Superintendent of Education~~ shall promptly notify,
11 in writing, the board of trustees of the Teachers' Retirement
12 System of the State of Illinois and the board of trustees of
13 the Public School Teachers' Pension and Retirement Fund of the
14 City of Chicago of the name of the license holder, the fact of
15 the conviction, the name and location of the court in which the
16 conviction occurred, and the number assigned in that court to
17 the case in which the conviction occurred.

18 (Source: P.A. 97-607, eff. 8-26-11.)

19 (105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

20 Sec. 24-11. Boards of Education - Boards of School
21 Inspectors - Contractual continued service.

22 (a) As used in this and the succeeding Sections of this
23 Article:

24 "Teacher" means any or all school district employees
25 regularly required to be licensed ~~certified~~ under laws

1 relating to the licensure ~~certification~~ of teachers.

2 "Board" means board of directors, board of education, or
3 board of school inspectors, as the case may be.

4 "School term" means that portion of the school year, July
5 1 to the following June 30, when school is in actual session.

6 "Program" means a program of a special education joint
7 agreement.

8 "Program of a special education joint agreement" means
9 instructional, consultative, supervisory, administrative,
10 diagnostic, and related services that are managed by a special
11 educational joint agreement designed to service 2 or more
12 school districts that are members of the joint agreement.

13 "PERA implementation date" means the implementation date
14 of an evaluation system for teachers as specified by Section
15 24A-2.5 of this Code for all schools within a school district
16 or all programs of a special education joint agreement.

17 (b) This Section and Sections 24-12 through 24-16 of this
18 Article apply only to school districts having less than
19 500,000 inhabitants.

20 (c) Any teacher who is first employed as a full-time
21 teacher in a school district or program prior to the PERA
22 implementation date and who is employed in that district or
23 program for a probationary period of 4 consecutive school
24 terms shall enter upon contractual continued service in the
25 district or in all of the programs that the teacher is legally
26 qualified to hold, unless the teacher is given written notice

1 of dismissal by certified mail, return receipt requested, by
2 the employing board at least 45 days before the end of any
3 school term within such period.

4 (d) For any teacher who is first employed as a full-time
5 teacher in a school district or program on or after the PERA
6 implementation date, the probationary period shall be one of
7 the following periods, based upon the teacher's school terms
8 of service and performance, before the teacher shall enter
9 upon contractual continued service in the district or in all
10 of the programs that the teacher is legally qualified to hold,
11 unless the teacher is given written notice of dismissal by
12 certified mail, return receipt requested, by the employing
13 board at least 45 days before the end of any school term within
14 such period:

15 (1) 4 consecutive school terms of service in which the
16 teacher receives overall annual evaluation ratings of at
17 least "Proficient" in the last school term and at least
18 "Proficient" in either the second or third school term;

19 (2) 3 consecutive school terms of service in which the
20 teacher receives 3 overall annual evaluations of
21 "Excellent"; or

22 (3) 2 consecutive school terms of service in which the
23 teacher receives 2 overall annual evaluations of
24 "Excellent" service, but only if the teacher (i)
25 previously attained contractual continued service in a
26 different school district or program in this State, (ii)

1 voluntarily departed or was honorably dismissed from that
2 school district or program in the school term immediately
3 prior to the teacher's first school term of service
4 applicable to the attainment of contractual continued
5 service under this subdivision (3), and (iii) received, in
6 his or her 2 most recent overall annual or biennial
7 evaluations from the prior school district or program,
8 ratings of at least "Proficient", with both such ratings
9 occurring after the school district's or program's PERA
10 implementation date. For a teacher to attain contractual
11 continued service under this subdivision (3), the teacher
12 shall provide official copies of his or her 2 most recent
13 overall annual or biennial evaluations from the prior
14 school district or program to the new school district or
15 program within 60 days from the teacher's first day of
16 service with the new school district or program. The prior
17 school district or program must provide the teacher with
18 official copies of his or her 2 most recent overall annual
19 or biennial evaluations within 14 days after the teacher's
20 request. If a teacher has requested such official copies
21 prior to 45 days after the teacher's first day of service
22 with the new school district or program and the teacher's
23 prior school district or program fails to provide the
24 teacher with the official copies required under this
25 subdivision (3), then the time period for the teacher to
26 submit the official copies to his or her new school

1 district or program must be extended until 14 days after
2 receipt of such copies from the prior school district or
3 program. If the prior school district or program fails to
4 provide the teacher with the official copies required
5 under this subdivision (3) within 90 days from the
6 teacher's first day of service with the new school
7 district or program, then the new school district or
8 program shall rely upon the teacher's own copies of his or
9 her evaluations for purposes of this subdivision (3).

10 If the teacher does not receive overall annual evaluations
11 of "Excellent" in the school terms necessary for eligibility
12 to achieve accelerated contractual continued service in
13 subdivisions (2) and (3) of this subsection (d), the teacher
14 shall be eligible for contractual continued service pursuant
15 to subdivision (1) of this subsection (d). If, at the
16 conclusion of 4 consecutive school terms of service that count
17 toward attainment of contractual continued service, the
18 teacher's performance does not qualify the teacher for
19 contractual continued service under subdivision (1) of this
20 subsection (d), then the teacher shall not enter upon
21 contractual continued service and shall be dismissed. If a
22 performance evaluation is not conducted for any school term
23 when such evaluation is required to be conducted under Section
24 24A-5 of this Code, then the teacher's performance evaluation
25 rating for such school term for purposes of determining the
26 attainment of contractual continued service shall be deemed

1 "Proficient", except that, during any time in which the
2 Governor has declared a disaster due to a public health
3 emergency pursuant to Section 7 of the Illinois Emergency
4 Management Agency Act, this default to "Proficient" does not
5 apply to any teacher who has entered into contractual
6 continued service and who was deemed "Excellent" on his or her
7 most recent evaluation. During any time in which the Governor
8 has declared a disaster due to a public health emergency
9 pursuant to Section 7 of the Illinois Emergency Management
10 Agency Act and unless the school board and any exclusive
11 bargaining representative have completed the performance
12 rating for teachers or mutually agreed to an alternate
13 performance rating, any teacher who has entered into
14 contractual continued service, whose most recent evaluation
15 was deemed "Excellent", and whose performance evaluation is
16 not conducted when the evaluation is required to be conducted
17 shall receive a teacher's performance rating deemed
18 "Excellent". A school board and any exclusive bargaining
19 representative may mutually agree to an alternate performance
20 rating for teachers not in contractual continued service
21 during any time in which the Governor has declared a disaster
22 due to a public health emergency pursuant to Section 7 of the
23 Illinois Emergency Management Agency Act, as long as the
24 agreement is in writing.

25 (e) For the purposes of determining contractual continued
26 service, a school term shall be counted only toward attainment

1 of contractual continued service if the teacher actually
2 teaches or is otherwise present and participating in the
3 district's or program's educational program for 120 days or
4 more, provided that the days of leave under the federal Family
5 Medical Leave Act that the teacher is required to take until
6 the end of the school term shall be considered days of teaching
7 or participation in the district's or program's educational
8 program. A school term that is not counted toward attainment
9 of contractual continued service shall not be considered a
10 break in service for purposes of determining whether a teacher
11 has been employed for 4 consecutive school terms, provided
12 that the teacher actually teaches or is otherwise present and
13 participating in the district's or program's educational
14 program in the following school term.

15 (f) If the employing board determines to dismiss the
16 teacher in the last year of the probationary period as
17 provided in subsection (c) of this Section or subdivision (1)
18 or (2) of subsection (d) of this Section, but not subdivision
19 (3) of subsection (d) of this Section, the written notice of
20 dismissal provided by the employing board must contain
21 specific reasons for dismissal. Any full-time teacher who does
22 not receive written notice from the employing board at least
23 45 days before the end of any school term as provided in this
24 Section and whose performance does not require dismissal after
25 the fourth probationary year pursuant to subsection (d) of
26 this Section shall be re-employed for the following school

1 term.

2 (g) Contractual continued service shall continue in effect
3 the terms and provisions of the contract with the teacher
4 during the last school term of the probationary period,
5 subject to this Act and the lawful regulations of the
6 employing board. This Section and succeeding Sections do not
7 modify any existing power of the board except with respect to
8 the procedure of the discharge of a teacher and reductions in
9 salary as hereinafter provided. Contractual continued service
10 status shall not restrict the power of the board to transfer a
11 teacher to a position which the teacher is qualified to fill or
12 to make such salary adjustments as it deems desirable, but
13 unless reductions in salary are uniform or based upon some
14 reasonable classification, any teacher whose salary is reduced
15 shall be entitled to a notice and a hearing as hereinafter
16 provided in the case of certain dismissals or removals.

17 (h) If, by reason of any change in the boundaries of school
18 districts or by reason of the creation of a new school
19 district, the position held by any teacher having a
20 contractual continued service status is transferred from one
21 board to the control of a new or different board, then the
22 contractual continued service status of the teacher is not
23 thereby lost, and such new or different board is subject to
24 this Code with respect to the teacher in the same manner as if
25 the teacher were its employee and had been its employee during
26 the time the teacher was actually employed by the board from

1 whose control the position was transferred.

2 (i) The employment of any teacher in a program of a special
3 education joint agreement established under Section 3-15.14,
4 10-22.31 or 10-22.31a shall be governed by this and succeeding
5 Sections of this Article. For purposes of attaining and
6 maintaining contractual continued service and computing length
7 of continuing service as referred to in this Section and
8 Section 24-12, employment in a special educational joint
9 program shall be deemed a continuation of all previous
10 licensed ~~certificated~~ employment of such teacher for such
11 joint agreement whether the employer of the teacher was the
12 joint agreement, the regional superintendent, or one of the
13 participating districts in the joint agreement.

14 (j) For any teacher employed after July 1, 1987 as a
15 full-time teacher in a program of a special education joint
16 agreement, whether the program is operated by the joint
17 agreement or a member district on behalf of the joint
18 agreement, in the event of a reduction in the number of
19 programs or positions in the joint agreement in which the
20 notice of dismissal is provided on or before the end of the
21 2010-2011 school term, the teacher in contractual continued
22 service is eligible for employment in the joint agreement
23 programs for which the teacher is legally qualified in order
24 of greater length of continuing service in the joint
25 agreement, unless an alternative method of determining the
26 sequence of dismissal is established in a collective

1 bargaining agreement. For any teacher employed after July 1,
2 1987 as a full-time teacher in a program of a special education
3 joint agreement, whether the program is operated by the joint
4 agreement or a member district on behalf of the joint
5 agreement, in the event of a reduction in the number of
6 programs or positions in the joint agreement in which the
7 notice of dismissal is provided during the 2011-2012 school
8 term or a subsequent school term, the teacher shall be
9 included on the honorable dismissal lists of all joint
10 agreement programs for positions for which the teacher is
11 qualified and is eligible for employment in such programs in
12 accordance with subsections (b) and (c) of Section 24-12 of
13 this Code and the applicable honorable dismissal policies of
14 the joint agreement.

15 (k) For any teacher employed after July 1, 1987 as a
16 full-time teacher in a program of a special education joint
17 agreement, whether the program is operated by the joint
18 agreement or a member district on behalf of the joint
19 agreement, in the event of the dissolution of a joint
20 agreement, in which the notice to teachers of the dissolution
21 is provided during the 2010-2011 school term, the teacher in
22 contractual continued service who is legally qualified shall
23 be assigned to any comparable position in a member district
24 currently held by a teacher who has not entered upon
25 contractual continued service or held by a teacher who has
26 entered upon contractual continued service with a shorter

1 length of contractual continued service. Any teacher employed
2 after July 1, 1987 as a full-time teacher in a program of a
3 special education joint agreement, whether the program is
4 operated by the joint agreement or a member district on behalf
5 of the joint agreement, in the event of the dissolution of a
6 joint agreement in which the notice to teachers of the
7 dissolution is provided during the 2011-2012 school term or a
8 subsequent school term, the teacher who is qualified shall be
9 included on the order of honorable dismissal lists of each
10 member district and shall be assigned to any comparable
11 position in any such district in accordance with subsections
12 (b) and (c) of Section 24-12 of this Code and the applicable
13 honorable dismissal policies of each member district.

14 (l) The governing board of the joint agreement, or the
15 administrative district, if so authorized by the articles of
16 agreement of the joint agreement, rather than the board of
17 education of a school district, may carry out employment and
18 termination actions including dismissals under this Section
19 and Section 24-12.

20 (m) The employment of any teacher in a special education
21 program authorized by Section 14-1.01 through 14-14.01, or a
22 joint educational program established under Section 10-22.31a,
23 shall be under this and the succeeding Sections of this
24 Article, and such employment shall be deemed a continuation of
25 the previous employment of such teacher in any of the
26 participating districts, regardless of the participation of

1 other districts in the program.

2 (n) Any teacher employed as a full-time teacher in a
3 special education program prior to September 23, 1987 in which
4 2 or more school districts participate for a probationary
5 period of 2 consecutive years shall enter upon contractual
6 continued service in each of the participating districts,
7 subject to this and the succeeding Sections of this Article,
8 and, notwithstanding Section 24-1.5 of this Code, in the event
9 of the termination of the program shall be eligible for any
10 vacant position in any of such districts for which such
11 teacher is qualified.

12 (Source: P.A. 101-643, eff. 6-18-20.)

13 (105 ILCS 5/24-14) (from Ch. 122, par. 24-14)

14 Sec. 24-14. Termination of contractual continued service
15 by teacher. A teacher, as defined in Section 24-11 of this
16 Code, who has entered into contractual continued service may
17 resign at any time by obtaining concurrence of the board or by
18 serving at least 30 days' written notice upon the secretary of
19 the board. However, no teacher may resign during the school
20 term, without the concurrence of the board, in order to accept
21 another teaching assignment. Any teacher terminating said
22 service not in accordance with this Section may be referred by
23 the board to the State Superintendent of Education. A referral
24 to the State Superintendent for an alleged violation of this
25 Section must include (i) a dated copy of the teacher's

1 resignation letter, (ii) a copy of the reporting district's
2 current school year calendar, (iii) proof of employment for
3 the school year at issue, (iv) documentation showing that the
4 district's board did not accept the teacher's resignation, and
5 (v) evidence that the teacher left the district in order to
6 accept another teaching assignment. The State Superintendent
7 or his or her designee shall convene an informal evidentiary
8 hearing no later than 90 days after receipt of a resolution by
9 the board. If the State Superintendent or his or her designee
10 finds that the teacher resigned during the school term without
11 the concurrence of the board to accept another teaching
12 assignment, the State Superintendent must suspend the
13 teacher's license for one calendar year. In lieu of a hearing
14 and finding, the teacher may agree to a lesser licensure
15 sanction at the discretion of the State Superintendent.

16 (Source: P.A. 101-531, eff. 8-23-19.)

17 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

18 Sec. 34-18.5. Criminal history records checks and checks
19 of the Statewide Sex Offender Database and Statewide Murderer
20 and Violent Offender Against Youth Database.

21 (a) Licensed and nonlicensed applicants for employment
22 with the school district are required as a condition of
23 employment to authorize a fingerprint-based criminal history
24 records check to determine if such applicants have been
25 convicted of any disqualifying, enumerated criminal or drug

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

1 Department. The regional superintendent submitting the
2 requisite information to the Department of State Police shall
3 promptly notify the school districts in which the applicant is
4 seeking employment as a substitute or concurrent part-time
5 teacher or concurrent educational support personnel employee
6 that the check of the applicant has been requested. 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, or to the regional superintendent who requested the
13 check. The Department shall charge the school district or the
14 appropriate regional superintendent a fee for conducting such
15 check, which fee shall be deposited in the State Police
16 Services Fund and shall not exceed the cost of the inquiry; and
17 the applicant shall not be charged a fee for such check by the
18 school district or by the regional superintendent. Subject to
19 appropriations for these purposes, the State Superintendent of
20 Education shall reimburse the school district and regional
21 superintendent for fees paid to obtain criminal history
22 records checks under this Section.

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

1 Statewide Sex Offender Database must be conducted by the
2 school district or regional superintendent once for every 5
3 years that an applicant remains employed by the school
4 district.

5 (a-6) The school district or regional superintendent shall
6 further perform a check of the Statewide Murderer and Violent
7 Offender Against Youth Database, as authorized by the Murderer
8 and Violent Offender Against Youth Community Notification Law,
9 for each applicant. The check of the Murderer and Violent
10 Offender Against Youth Database must be conducted by the
11 school district or regional superintendent once for every 5
12 years that an applicant remains employed by the school
13 district.

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 Board of Education and the
24 school district as authorized under subsection (b-5), the
25 State Superintendent of Education, the State Educator
26 Preparation and Licensure Board or any other person necessary

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

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

25 (b-5) If a criminal history records check or check of the
26 Statewide Sex Offender Database or Statewide Murderer and

1 Violent Offender Against Youth Database is performed by a
2 regional superintendent for an applicant seeking employment as
3 a substitute teacher with the school district, the regional
4 superintendent may disclose to the State Board of Education
5 whether the applicant has been issued a certificate under
6 subsection (b) based on those checks. If the State Board
7 receives information on an applicant under this subsection,
8 then it must indicate in the Educator Licensure Information
9 System for a 90-day period that the applicant has been issued
10 or has not been issued a certificate.

11 (c) The board of education shall not knowingly employ a
12 person who has been convicted of any offense that would
13 subject him or her to license suspension or revocation
14 pursuant to Section 21B-80 of this Code, except as provided
15 under subsection (b) of 21B-80. Further, the board of
16 education shall not knowingly employ a person who has been
17 found to be the perpetrator of sexual or physical abuse of any
18 minor under 18 years of age pursuant to proceedings under
19 Article II of the Juvenile Court Act of 1987. As a condition of
20 employment, the board of education must consider the status of
21 a person who has been issued an indicated finding of abuse or
22 neglect of a child by the Department of Children and Family
23 Services under the Abused and Neglected Child Reporting Act or
24 by a child welfare agency of another jurisdiction.

25 (d) The board of education shall not knowingly employ a
26 person for whom a criminal history records check and a

1 Statewide Sex Offender Database check have not been initiated.

2 (e) Within 10 days after the general superintendent of
3 schools, a regional office of education, or an entity that
4 provides background checks of license holders to public
5 schools receives information of a pending criminal charge
6 against a license holder for an offense set forth in Section
7 21B-80 of this Code, the superintendent, regional office of
8 education, or entity must notify the State Superintendent of
9 Education of the pending criminal charge.

10 No later than 15 business days after receipt of a record of
11 conviction or of checking the Statewide Murderer and Violent
12 Offender Against Youth Database or the Statewide Sex Offender
13 Database and finding a registration, the general
14 superintendent of schools or the applicable regional
15 superintendent shall, in writing, notify the State
16 Superintendent of Education of any license holder who has been
17 convicted of a crime set forth in Section 21B-80 of this Code.
18 Upon receipt of the record of a conviction of or a finding of
19 child abuse by a holder of any license issued pursuant to
20 Article 21B or Section 34-8.1 or 34-83 of this Code, the State
21 Superintendent of Education may initiate licensure suspension
22 and revocation proceedings as authorized by law. If the
23 receipt of the record of conviction or finding of child abuse
24 is received within 6 months after the initial grant of or
25 renewal of a license, the State Superintendent of Education
26 may rescind the license holder's license.

1 (e-5) The general superintendent of schools shall, in
2 writing, notify the State Superintendent of Education of any
3 license holder whom he or she has reasonable cause to believe
4 has committed an intentional act of abuse or neglect with the
5 result of making a child an abused child or a neglected child,
6 as defined in Section 3 of the Abused and Neglected Child
7 Reporting Act, and that act resulted in the license holder's
8 dismissal or resignation from the school district and must
9 include the Illinois Educator Identification Number (IEIN) of
10 the license holder and a brief description of the misconduct
11 alleged. This notification must be submitted within 30 days
12 after the dismissal or resignation. The license 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 State Superintendent of
16 Education, the State Board of Education, or the State Educator
17 Preparation and Licensure Board under this subsection (e-5) is
18 confidential and must not be disclosed to third parties,
19 except (i) as necessary for the State Superintendent of
20 Education or his or her designee to investigate and prosecute
21 pursuant to Article 21B of this Code, (ii) pursuant to a court
22 order, (iii) for disclosure to the license holder or his or her
23 representative, or (iv) as otherwise provided in this Article
24 and provided that any such information admitted into evidence
25 in a hearing is exempt from this confidentiality and
26 non-disclosure requirement. Except for an act of willful or

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

5 (f) After March 19, 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
12 Sex 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 (f-5) Upon request of a school or school district, any

1 information obtained by the school district pursuant to
2 subsection (f) of this Section within the last year must be
3 made available to the requesting school or school district.

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

1 Against Youth Registration Act, for each student teacher. The
2 board may not knowingly allow a person to student teach for
3 whom a criminal history records check, a Statewide Sex
4 Offender Database check, and a Statewide Murderer and Violent
5 Offender Against Youth Database check have not been completed
6 and reviewed by the district.

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

19 The board may not knowingly allow a person to student
20 teach who has been convicted of any offense that would subject
21 him or her to license suspension or revocation pursuant to
22 subsection (c) of Section 21B-80 of this Code, except as
23 provided under subsection (b) of Section 21B-80. Further, the
24 board may not allow a person to student teach if he or she has
25 been found to be the perpetrator of sexual or physical abuse of
26 a minor under 18 years of age pursuant to proceedings under

1 Article II of the Juvenile Court Act of 1987. The board must
2 consider the status of a person to student teach who has been
3 issued an indicated finding of abuse or neglect of a child by
4 the Department of Children and Family Services under the
5 Abused and Neglected Child Reporting Act or by a child welfare
6 agency of another jurisdiction.

7 (h) (Blank).

8 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
9 101-643, eff. 6-18-20.)

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.45 as follows:

12 (30 ILCS 805/8.45 new)

13 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
14 8 of this Act, no reimbursement by the State is required for
15 the implementation of any mandate created by this amendatory
16 Act of the 102nd General Assembly.