

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 2-3.25o, 10-21.9, 21B-80, and 34-18.5 as follows:

6 (105 ILCS 5/2-3.25o)

7 Sec. 2-3.25o. Registration and recognition of non-public  
8 elementary and secondary schools.

9 (a) Findings. The General Assembly finds and declares (i)  
10 that the Constitution of the State of Illinois provides that a  
11 "fundamental goal of the People of the State is the educational  
12 development of all persons to the limits of their capacities"  
13 and (ii) that the educational development of every school  
14 student serves the public purposes of the State. In order to  
15 ensure that all Illinois students and teachers have the  
16 opportunity to enroll and work in State-approved educational  
17 institutions and programs, the State Board of Education shall  
18 provide for the voluntary registration and recognition of  
19 non-public elementary and secondary schools.

20 (b) Registration. All non-public elementary and secondary  
21 schools in the State of Illinois may voluntarily register with  
22 the State Board of Education on an annual basis. Registration  
23 shall be completed in conformance with procedures prescribed by

1 the State Board of Education. Information required for  
2 registration shall include assurances of compliance (i) with  
3 federal and State laws regarding health examination and  
4 immunization, attendance, length of term, and  
5 nondiscrimination and (ii) with applicable fire and health  
6 safety requirements.

7 (c) Recognition. All non-public elementary and secondary  
8 schools in the State of Illinois may voluntarily seek the  
9 status of "Non-public School Recognition" from the State Board  
10 of Education. This status may be obtained by compliance with  
11 administrative guidelines and review procedures as prescribed  
12 by the State Board of Education. The guidelines and procedures  
13 must recognize that some of the aims and the financial bases of  
14 non-public schools are different from public schools and will  
15 not be identical to those for public schools, nor will they be  
16 more burdensome. The guidelines and procedures must also  
17 recognize the diversity of non-public schools and shall not  
18 impinge upon the noneducational relationships between those  
19 schools and their clientele.

20 (c-5) Prohibition against recognition. A non-public  
21 elementary or secondary school may not obtain "Non-public  
22 School Recognition" status unless the school requires all  
23 certified and non-certified applicants for employment with the  
24 school, after July 1, 2007, to authorize a fingerprint-based  
25 criminal history records check as a condition of employment to  
26 determine if such applicants have been convicted of any of the

1 enumerated criminal or drug offenses set forth in Section  
2 21B-80 ~~21-23a~~ of this Code or have been convicted, within 7  
3 years of the application for employment, of any other felony  
4 under the laws of this State or of any offense committed or  
5 attempted in any other state or against the laws of the United  
6 States that, if committed or attempted in this State, would  
7 have been punishable as a felony under the laws of this State.  
8 A conviction for a felony more than 7 years prior to  
9 application for employment with the school, other than those  
10 enumerated in Section 21B-80 of this Code, must not, in and of  
11 itself, be an automatic bar to employment. A conviction for a  
12 felony less than 7 years prior to employment, other than those  
13 enumerated in Section 21B-80 of this Code, is reviewable by the  
14 employer in accordance with its stated policy.

15 Authorization for the check shall be furnished by the  
16 applicant to the school, except that if the applicant is a  
17 substitute teacher seeking employment in more than one  
18 non-public school, a teacher seeking concurrent part-time  
19 employment positions with more than one non-public school (as a  
20 reading specialist, special education teacher, or otherwise),  
21 or an educational support personnel employee seeking  
22 employment positions with more than one non-public school, then  
23 only one of the non-public schools employing the individual  
24 shall request the authorization. Upon receipt of this  
25 authorization, the non-public school shall submit the  
26 applicant's name, sex, race, date of birth, social security

1 number, fingerprint images, and other identifiers, as  
2 prescribed by the Department of State Police, to the Department  
3 of State Police.

4 The Department of State Police and Federal Bureau of  
5 Investigation shall furnish, pursuant to a fingerprint-based  
6 criminal history records check, records of convictions,  
7 forever and hereafter, until expunged, to the president or  
8 principal of the non-public school that requested the check.  
9 The Department of State Police shall charge that school a fee  
10 for conducting such check, which fee must be deposited into the  
11 State Police Services Fund and must not exceed the cost of the  
12 inquiry. Subject to appropriations for these purposes, the  
13 State Superintendent of Education shall reimburse non-public  
14 schools for fees paid to obtain criminal history records checks  
15 under this Section.

16 A non-public school may not obtain recognition status  
17 unless the school also performs a check of the Statewide Sex  
18 Offender Database, as authorized by the Sex Offender Community  
19 Notification Law, for each applicant for employment, after July  
20 1, 2007, to determine whether the applicant has been  
21 adjudicated a sex offender.

22 Any information concerning the record of convictions  
23 obtained by a non-public school's president or principal under  
24 this Section is confidential and may be disseminated only to  
25 the governing body of the non-public school or any other person  
26 necessary to the decision of hiring the applicant for

1 employment. A copy of the record of convictions obtained from  
2 the Department of State Police shall be provided to the  
3 applicant for employment. Upon a check of the Statewide Sex  
4 Offender Database, the non-public school shall notify the  
5 applicant as to whether or not the applicant has been  
6 identified in the Sex Offender Database as a sex offender. Any  
7 information concerning the records of conviction obtained by  
8 the non-public school's president or principal under this  
9 Section for a substitute teacher seeking employment in more  
10 than one non-public school, a teacher seeking concurrent  
11 part-time employment positions with more than one non-public  
12 school (as a reading specialist, special education teacher, or  
13 otherwise), or an educational support personnel employee  
14 seeking employment positions with more than one non-public  
15 school may be shared with another non-public school's principal  
16 or president to which the applicant seeks employment. Any  
17 person who releases any criminal history record information  
18 concerning an applicant for employment is guilty of a Class A  
19 misdemeanor and may be subject to prosecution under federal  
20 law, unless the release of such information is authorized by  
21 this Section.

22 No non-public school may obtain recognition status that  
23 knowingly employs a person, hired after July 1, 2007, for whom  
24 a Department of State Police and Federal Bureau of  
25 Investigation fingerprint-based criminal history records check  
26 and a Statewide Sex Offender Database check has not been

1 initiated or who has been convicted of any offense enumerated  
2 in Section 21B-80 of this Code or any offense committed or  
3 attempted in any other state or against the laws of the United  
4 States that, if committed or attempted in this State, would  
5 have been punishable as one or more of those offenses. No  
6 non-public school may obtain recognition status under this  
7 Section that knowingly employs a person who has been found to  
8 be the perpetrator of sexual or physical abuse of a minor under  
9 18 years of age pursuant to proceedings under Article II of the  
10 Juvenile Court Act of 1987.

11 In order to obtain recognition status under this Section, a  
12 non-public school must require compliance with the provisions  
13 of this subsection (c-5) from all employees of persons or firms  
14 holding contracts with the school, including, but not limited  
15 to, food service workers, school bus drivers, and other  
16 transportation employees, who have direct, daily contact with  
17 pupils. Any information concerning the records of conviction or  
18 identification as a sex offender of any such employee obtained  
19 by the non-public school principal or president must be  
20 promptly reported to the school's governing body.

21 (d) Public purposes. The provisions of this Section are in  
22 the public interest, for the public benefit, and serve secular  
23 public purposes.

24 (e) Definition. For purposes of this Section, a non-public  
25 school means any non-profit, non-home-based, and non-public  
26 elementary or secondary school that is in compliance with Title

1 VI of the Civil Rights Act of 1964 and attendance at which  
2 satisfies the requirements of Section 26-1 of this Code.

3 (Source: P.A. 96-431, eff. 8-13-09; 97-607, eff. 8-26-11.)

4 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

8 (a) Certified and noncertified applicants for employment  
9 with a school district, except school bus driver applicants,  
10 are required as a condition of employment to authorize a  
11 fingerprint-based criminal history records check to determine  
12 if such applicants have been convicted of any of the enumerated  
13 criminal or drug offenses in subsection (c) of this Section or  
14 have been convicted, within 7 years of the application for  
15 employment with the school district, of any other felony under  
16 the laws of this State or of any offense committed or attempted  
17 in any other state or against the laws of the United States  
18 that, if committed or attempted in this State, would have been  
19 punishable as a felony under the laws of this State. A  
20 conviction for a felony more than 7 years prior to application  
21 for employment with the school district, other than those  
22 enumerated in Section 21B-80 of this Code, must not, in and of  
23 itself, be an automatic bar to employment. A conviction for a  
24 felony less than 7 years prior to employment, other than those  
25 enumerated in Section 21B-80 of this Code, is reviewable by the

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



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

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

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

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

1 employment with the school district, of any other felony under  
2 the laws of this State or of any offense committed or attempted  
3 in any other state or against the laws of the United States  
4 that, if committed or attempted in this State, would have been  
5 punishable as a felony under the laws of this State and so  
6 notifies the regional superintendent and if the regional  
7 superintendent upon a check ascertains that the applicant has  
8 not been identified in the Sex Offender Database as a sex  
9 offender, then the regional superintendent shall issue to the  
10 applicant a certificate evidencing that as of the date  
11 specified by the Department of State Police the applicant has  
12 not been convicted of any of the enumerated criminal or drug  
13 offenses in subsection (c) of this Section or has not been  
14 convicted, within 7 years of the application for employment  
15 with the school district, of any other felony under the laws of  
16 this State or of any offense committed or attempted in any  
17 other state or against the laws of the United States that, if  
18 committed or attempted in this State, would have been  
19 punishable as a felony under the laws of this State and  
20 evidencing that as of the date that the regional superintendent  
21 conducted a check of the Statewide Sex Offender Database, the  
22 applicant has not been identified in the Database as a sex  
23 offender. 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 as provided in  
4 subsection (a). Any person who releases any confidential  
5 information concerning any criminal convictions of an  
6 applicant for employment shall be guilty of a Class A  
7 misdemeanor, unless the release of such information is  
8 authorized by 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. Further, no school board shall knowingly employ a  
13 person who has been found to be the perpetrator of sexual or  
14 physical abuse of any minor under 18 years of age pursuant to  
15 proceedings under Article II of the Juvenile Court Act of 1987.

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

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

25 (e-5) The superintendent of the employing school board  
26 shall, in writing, notify the State Superintendent of Education

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

1 criminal or that otherwise might result by reason of such  
2 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 Sex  
10 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 (g) In order to student teach in the public schools, a  
25 person is required to authorize a fingerprint-based criminal  
26 history records check and checks of the Statewide Sex Offender

1 Database and Statewide Murderer and Violent Offender Against  
2 Youth Database prior to participating in any field experiences  
3 in the public schools. Authorization for and payment of the  
4 costs of the checks must be furnished by the student teacher.  
5 Results of the checks must be furnished to the higher education  
6 institution where the student teacher is enrolled and the  
7 superintendent of the school district where the student is  
8 assigned.

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

15 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;  
16 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;  
17 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

18 (105 ILCS 5/21B-80)

19 Sec. 21B-80. Conviction of certain offenses as grounds for  
20 disqualification for employment or licensure or revocation of a  
21 license.

22 (a) As used in this Section:

23 "Drug ~~Narcotics~~ offense" means any one or more of the  
24 following offenses:

25 (1) Any offense defined in the Cannabis Control Act,

1           except those defined in subdivisions (a), ~~and~~ (b), and (c)  
2           of Section 4 and subdivisions ~~subdivision~~ (a) and (b) of  
3           Section 5 of the Cannabis Control Act and any offense for  
4           which the holder of a license is placed on probation under  
5           the provisions of Section 10 of the Cannabis Control Act,  
6           provided that if the terms and conditions of probation  
7           required by the court are not fulfilled, the offense is not  
8           eligible for this exception.

9           (2) Any offense defined in the Illinois Controlled  
10          Substances Act, except any offense for which the holder of  
11          a license is placed on probation under the provisions of  
12          Section 410 of the Illinois Controlled Substances Act,  
13          provided that if the terms and conditions of probation  
14          required by the court are not fulfilled, the offense is not  
15          eligible for this exception.

16          (3) Any offense defined in the Methamphetamine Control  
17          and Community Protection Act, except any offense for which  
18          the holder of a license is placed on probation under the  
19          provision of Section 70 of that Act, provided that if the  
20          terms and conditions of probation required by the court are  
21          not fulfilled, the offense is not eligible for this  
22          exception.

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

25          (5) Any offense committed or attempted in any other  
26          state or against the laws of the United States that, if



1 committed or attempted in this State, would have been  
2 punishable as one or more of the offenses listed in items  
3 (1) through (4) of this definition.

4 The changes made by Public Act 96-431 to this ~~the~~ definition of  
5 "~~narcotics offense~~" are declaratory of existing law.

6 "Sex offense" means any one or more of the following  
7 offenses:

8 (A) Any offense defined in Sections 11-6, 11-9 through  
9 11-9.5, inclusive, and 11-30 (if punished as a Class 4  
10 felony), of the Criminal Code of 1961 or the Criminal Code  
11 of 2012; Sections 11-14.1 ~~11-14~~ through 11-21, inclusive,  
12 of the Criminal Code of 1961 or the Criminal Code of 2012;  
13 Sections 11-23 (if punished as a Class 3 felony), 11-24,  
14 11-25, and 11-26 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012; and Sections 11-1.20, 11-1.30,  
16 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1,  
17 12-15, 12-16, 12-32, 12-33, and 12C-45 of the Criminal Code  
18 of 1961 or the Criminal Code of 2012.

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

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

25 (a-5) Any conviction for a drug offense shall act as an  
26 automatic bar to employment and licensure for a period of 7

1 years following the end of the sentence for the criminal  
2 offense. As used in this subsection (a-5), "sentence" includes  
3 any period of supervision or probation that was imposed either  
4 alone or in combination with a period of incarceration. After  
5 that, the conviction may be reviewed for employment or  
6 licensure.

7 (b) Whenever the holder of any license issued pursuant to  
8 this Article or applicant for a license to be issued pursuant  
9 to this Article has been convicted of any sex offense or drug  
10 ~~narcotics~~ offense, the State Superintendent of Education shall  
11 forthwith suspend the license or deny the application,  
12 whichever is applicable. If the conviction is reversed and the  
13 holder is acquitted of the offense in a new trial or the  
14 charges against him or her are dismissed, the State  
15 Superintendent of Education shall forthwith terminate the  
16 suspension of the license. When the conviction becomes final,  
17 the State Superintendent of Education shall forthwith revoke  
18 the license.

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 first degree  
23 murder or a Class X felony or any offense committed or  
24 attempted in any other state or against the laws of the United  
25 States that, if committed or attempted in this State, would  
26 have been punishable as one or more of the foregoing offenses,

1 the State Superintendent of Education shall forthwith suspend  
2 the license or deny the application, whichever is applicable.

3 If the conviction is reversed and the holder is acquitted of  
4 that offense in a new trial or the charges that he or she  
5 committed that offense are dismissed, the State Superintendent  
6 of Education shall forthwith terminate the suspension of the  
7 license. When the conviction becomes final, the State  
8 Superintendent of Education shall forthwith revoke the  
9 license.

10 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.  
11 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

12 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

13 Sec. 34-18.5. Criminal history records checks and checks of  
14 the Statewide Sex Offender Database and Statewide Murderer and  
15 Violent Offender Against Youth Database.

16 (a) Certified and noncertified applicants for employment  
17 with the school district are required as a condition of  
18 employment to authorize a fingerprint-based criminal history  
19 records check to determine if such applicants have been  
20 convicted of any of the enumerated criminal or drug offenses in  
21 subsection (c) of this Section or have been convicted, within 7  
22 years of the application for employment with the school  
23 district, of any other felony under the laws of this State or  
24 of any offense committed or attempted in any other state or  
25 against the laws of the United States that, if committed or

1 attempted in this State, would have been punishable as a felony  
2 under the laws of this State. A conviction for a felony more  
3 than 7 years prior to application for employment with the  
4 school district, other than those enumerated in Section 21B-80  
5 of this Code, must not, in and of itself, be an automatic bar  
6 to employment. A conviction for a felony less than 7 years  
7 prior to employment, other than those enumerated in Section  
8 21B-80 of this Code, is reviewable by the employer in  
9 accordance with its stated policy. Authorization for the check  
10 shall be furnished by the applicant to the school district,  
11 except that if the applicant is a substitute teacher seeking  
12 employment in more than one school district, or a teacher  
13 seeking concurrent part-time employment positions with more  
14 than one school district (as a reading specialist, special  
15 education teacher or otherwise), or an educational support  
16 personnel employee seeking employment positions with more than  
17 one district, any such district may require the applicant to  
18 furnish authorization for the check to the regional  
19 superintendent of the educational service region in which are  
20 located the school districts in which the applicant is seeking  
21 employment as a substitute or concurrent part-time teacher or  
22 concurrent educational support personnel employee. Upon  
23 receipt of this authorization, the school district or the  
24 appropriate regional superintendent, as the case may be, shall  
25 submit the applicant's name, sex, race, date of birth, social  
26 security number, fingerprint images, and other identifiers, as

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

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

1 for each applicant.

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

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

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

1 conducted a check of the Statewide Sex Offender Database, the  
2 applicant has not been identified in the Database as a sex  
3 offender. The school board of any school district may rely on  
4 the certificate issued by any regional superintendent to that  
5 substitute teacher, concurrent part-time teacher, or  
6 concurrent educational support personnel employee or may  
7 initiate its own criminal history records check of the  
8 applicant through the Department of State Police and its own  
9 check of the Statewide Sex Offender Database as provided in  
10 subsection (a). Any person who releases any confidential  
11 information concerning any criminal convictions of an  
12 applicant for employment shall be guilty of a Class A  
13 misdemeanor, unless the release of such information is  
14 authorized by this Section.

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

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

26 (e) Upon receipt of the record of a conviction of or a



1 finding of child abuse by a holder of any certificate issued  
2 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
3 Code, the State Superintendent of Education may initiate  
4 certificate suspension and revocation proceedings as  
5 authorized by law.

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

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

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

1 promptly reported to the president of the appropriate school  
2 board or school boards.

3 (g) In order to student teach in the public schools, a  
4 person is required to authorize a fingerprint-based criminal  
5 history records check and checks of the Statewide Sex Offender  
6 Database and Statewide Murderer and Violent Offender Against  
7 Youth Database prior to participating in any field experiences  
8 in the public schools. Authorization for and payment of the  
9 costs of the checks must be furnished by the student teacher.  
10 Results of the checks must be furnished to the higher education  
11 institution where the student teacher is enrolled and the  
12 general superintendent of schools.

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

19 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;  
20 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;  
21 97-813, eff. 7-13-12.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.