

1 AMENDMENT TO HOUSE BILL 3196

2 AMENDMENT NO. _____. Amend House Bill 3196 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 10-21.9 and 34-18.5 as follows:

6 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

7 Sec. 10-21.9. Criminal background investigations.

8 (a) ~~After August 17, 1985,~~ Certified and noncertified
9 applicants for employment with a school district, except
10 school bus driver applicants, and student teachers assigned
11 to the district are required, as a condition of employment or
12 student teaching in that district, to authorize an
13 investigation to determine if such applicants or student
14 teachers have been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) of this Section
16 or have been convicted, within 7 years of the application for
17 employment with the school district or of being assigned as a
18 student teacher to that district, of any other felony under
19 the laws of this State or of any offense committed or
20 attempted in any other state or against the laws of the
21 United States that, if committed or attempted in this State,
22 would have been punishable as a felony under the laws of this

1 State. Authorization for the investigation shall be furnished
2 by the applicant or student teacher to the school district,
3 except that if the applicant is a substitute teacher seeking
4 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
9 than one district, any such district may require the
10 applicant to furnish authorization for the investigation to
11 the regional superintendent of the educational service region
12 in which are located the school districts in which the
13 applicant is seeking employment as a substitute or concurrent
14 part-time teacher or concurrent educational support personnel
15 employee. Upon receipt of this authorization, the school
16 district or the appropriate regional superintendent, as the
17 case may be, shall submit the applicant's or student
18 teacher's name, sex, race, date of birth and social security
19 number to the Department of State Police on forms prescribed
20 by the 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
23 is seeking employment as a substitute or concurrent part-time
24 teacher or concurrent educational support personnel employee
25 that the investigation of the applicant has been requested.
26 The Department of State Police shall conduct an investigation
27 to ascertain if the applicant being considered for employment
28 or student teacher has been convicted of any of the
29 enumerated criminal or drug offenses in subsection (c) or has
30 been convicted, within 7 years of the application for
31 employment with the school district or of being assigned as a
32 student teacher to that district, of any other felony under
33 the laws of this State or of any offense committed or
34 attempted in any other state or against the laws of the

1 United States that, if committed or attempted in this State,
2 would have been punishable as a felony under the laws of this
3 State. The Department shall charge the school district or
4 the appropriate regional superintendent a fee for conducting
5 such investigation, which fee shall be deposited in the State
6 Police Services Fund and shall not exceed the cost of the
7 inquiry; and the applicant or student teacher shall not be
8 charged a fee for such investigation by the school district
9 or by the regional superintendent. The regional
10 superintendent may seek reimbursement from the State Board of
11 Education or the appropriate school district or districts for
12 fees paid by the regional superintendent to the Department
13 for the criminal background investigations required by this
14 Section.

15 (b) The Department shall furnish, pursuant to positive
16 identification, records of convictions, until expunged, to
17 the president of the school board for the school district
18 which requested the investigation, or to the regional
19 superintendent who requested the investigation. Any
20 information concerning the record of convictions obtained by
21 the president of the school board or the regional
22 superintendent shall be confidential and may only be
23 transmitted to the superintendent of the school district or
24 his designee, the appropriate regional superintendent if the
25 investigation was requested by the school district, the
26 presidents of the appropriate school boards if the
27 investigation was requested from the Department of State
28 Police by the regional superintendent, the State
29 Superintendent of Education, the State Teacher Certification
30 Board or any other person necessary to the decision of hiring
31 the applicant for employment or assigning the student teacher
32 to a school district. A copy of the record of convictions
33 obtained from the Department of State Police shall be
34 provided to the applicant for employment or student teacher.

1 If an investigation of an applicant for employment as a
2 substitute or concurrent part-time teacher or concurrent
3 educational support personnel employee in more than one
4 school district was requested by the regional superintendent,
5 and the Department of State Police upon investigation
6 ascertains that the applicant has not been convicted of any
7 of the enumerated criminal or drug offenses in subsection (c)
8 or has not been convicted, within 7 years of the application
9 for employment with the school district, of any other felony
10 under the laws of this State or of any offense committed or
11 attempted in any other state or against the laws of the
12 United States that, if committed or attempted in this State,
13 would have been punishable as a felony under the laws of this
14 State and so notifies the regional superintendent, then the
15 regional superintendent shall issue to the applicant a
16 certificate evidencing that as of the date specified by the
17 Department of State Police the applicant has not been
18 convicted of any of the enumerated criminal or drug offenses
19 in subsection (c) or has not been convicted, within 7 years
20 of the application for employment with the school district,
21 of any other felony under the laws of this State or of any
22 offense committed or attempted in any other state or against
23 the laws of the United States that, if committed or attempted
24 in this State, would have been punishable as a felony under
25 the laws of this State. The school board of any school
26 district located in the educational service region served by
27 the regional superintendent who issues such a certificate to
28 an applicant for employment as a substitute teacher in more
29 than one such district may rely on the certificate issued by
30 the regional superintendent to that applicant, or may
31 initiate its own investigation of the applicant through the
32 Department of State Police as provided in subsection (a). Any
33 person who releases any confidential information concerning
34 any criminal convictions of an applicant for employment or

1 student teacher shall be guilty of a Class A misdemeanor,
2 unless the release of such information is authorized by this
3 Section.

4 (c) No school board shall knowingly employ a person or
5 knowingly allow a person to student teach who has been
6 convicted for committing attempted first degree murder or for
7 committing or attempting to commit first degree murder or a
8 Class X felony or any one or more of the following offenses:

9 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
10 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
11 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
12 "Criminal Code of 1961"; (ii) those defined in the "Cannabis
13 Control Act" except those defined in Sections 4(a), 4(b) and
14 5(a) of that Act; (iii) those defined in the "Illinois
15 Controlled Substances Act"; and (iv) any offense committed or
16 attempted in any other state or against the laws of the
17 United States, which if committed or attempted in this State,
18 would have been punishable as one or more of the foregoing
19 offenses. Further, no school board shall knowingly employ a
20 person or knowingly allow a person to student teach who has
21 been found to be the perpetrator of sexual or physical abuse
22 of any minor under 18 years of age pursuant to proceedings
23 under Article II of the Juvenile Court Act of 1987.

24 (d) No school board shall knowingly employ a person or
25 knowingly allow a person to student teach for whom a criminal
26 background investigation has not been initiated.

27 (e) Upon receipt of the record of a conviction of or a
28 finding of child abuse by a holder of any certificate issued
29 pursuant to Article 21 or Section 34-8.1 or 34-83 of the
30 School Code, the appropriate regional superintendent of
31 schools or the State Superintendent of Education shall
32 initiate the certificate suspension and revocation
33 proceedings authorized by law.

34 (f) After January 1, 1990 the provisions of this Section

1 shall apply to all employees of persons or firms holding
2 contracts with any school district including, but not limited
3 to, food service workers, school bus drivers and other
4 transportation employees, who have direct, daily contact with
5 the pupils of any school in such district. For purposes of
6 criminal background investigations on employees of persons or
7 firms holding contracts with more than one school district
8 and assigned to more than one school district, the regional
9 superintendent of the educational service region in which the
10 contracting school districts are located may, at the request
11 of any such school district, be responsible for receiving the
12 authorization for investigation prepared by each such
13 employee and submitting the same to the Department of State
14 Police. Any information concerning the record of conviction
15 of any such employee obtained by the regional superintendent
16 shall be promptly reported to the president of the
17 appropriate school board or school boards.

18 (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

19 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

20 Sec. 34-18.5. Criminal background investigations.

21 (a) ~~After--August--17--1985,~~ Certified and noncertified
22 applicants for employment with the school district and
23 student teachers assigned to the district are required, as a
24 condition of employment or student teaching in that district,
25 to authorize an investigation to determine if such applicants
26 or student teachers have been convicted of any of the
27 enumerated criminal or drug offenses in subsection (c) of
28 this Section or have been convicted, within 7 years of the
29 application for employment with the school district or of
30 being assigned as a student teacher to that district, of any
31 other felony under the laws of this State or of any offense
32 committed or attempted in any other state or against the laws
33 of the United States that, if committed or attempted in this

1 State, would have been punishable as a felony under the laws
2 of this State. Authorization for the investigation shall be
3 furnished by the applicant or student teacher to the school
4 district, except that if the applicant is a substitute
5 teacher seeking employment in more than one school district,
6 or a teacher seeking concurrent part-time employment
7 positions with more than one school district (as a reading
8 specialist, special education teacher or otherwise), or an
9 educational support personnel employee seeking employment
10 positions with more than one district, any such district may
11 require the applicant to furnish authorization for the
12 investigation to the regional superintendent of the
13 educational service region in which are located the school
14 districts in which the applicant is seeking employment as a
15 substitute or concurrent part-time teacher or concurrent
16 educational support personnel employee. Upon receipt of this
17 authorization, the school district or the appropriate
18 regional superintendent, as the case may be, shall submit the
19 applicant's or student teacher's name, sex, race, date of
20 birth and social security number to the Department of State
21 Police on forms prescribed by the Department. The regional
22 superintendent submitting the requisite information to the
23 Department of State Police shall promptly notify the school
24 districts in which the applicant is seeking employment as a
25 substitute or concurrent part-time teacher or concurrent
26 educational support personnel employee that the investigation
27 of the applicant has been requested. The Department of State
28 Police shall conduct an investigation to ascertain if the
29 applicant being considered for employment or student teacher
30 has been convicted of any of the enumerated criminal or drug
31 offenses in subsection (c) or has been convicted, within 7
32 years of the application for employment with the school
33 district or of being assigned as a student teacher to that
34 district, of any other felony under the laws of this State or

1 of any offense committed or attempted in any other state or
2 against the laws of the United States that, if committed or
3 attempted in this State, would have been punishable as a
4 felony under the laws of this State. The Department shall
5 charge the school district or the appropriate regional
6 superintendent a fee for conducting such investigation, which
7 fee shall be deposited in the State Police Services Fund and
8 shall not exceed the cost of the inquiry; and the applicant
9 or student teacher shall not be charged a fee for such
10 investigation by the school district or by the regional
11 superintendent. The regional superintendent may seek
12 reimbursement from the State Board of Education or the
13 appropriate school district or districts for fees paid by the
14 regional superintendent to the Department for the criminal
15 background investigations required by this Section.

16 (b) The Department shall furnish, pursuant to positive
17 identification, records of convictions, until expunged, to
18 the president of the board of education for the school
19 district which requested the investigation, or to the
20 regional superintendent who requested the investigation. Any
21 information concerning the record of convictions obtained by
22 the president of the board of education or the regional
23 superintendent shall be confidential and may only be
24 transmitted to the general superintendent of the school
25 district or his designee, the appropriate regional
26 superintendent if the investigation was requested by the
27 board of education for the school district, the presidents of
28 the appropriate board of education or school boards if the
29 investigation was requested from the Department of State
30 Police by the regional superintendent, the State
31 Superintendent of Education, the State Teacher Certification
32 Board or any other person necessary to the decision of hiring
33 the applicant for employment or assigning the student teacher
34 to a school district. A copy of the record of convictions

1 obtained from the Department of State Police shall be
2 provided to the applicant for employment or student teacher.
3 If an investigation of an applicant for employment as a
4 substitute or concurrent part-time teacher or concurrent
5 educational support personnel employee in more than one
6 school district was requested by the regional superintendent,
7 and the Department of State Police upon investigation
8 ascertains that the applicant has not been convicted of any
9 of the enumerated criminal or drug offenses in subsection (c)
10 or has not been convicted, within 7 years of the application
11 for employment with the school district, of any other felony
12 under the laws of this State or of any offense committed or
13 attempted in any other state or against the laws of the
14 United States that, if committed or attempted in this State,
15 would have been punishable as a felony under the laws of this
16 State and so notifies the regional superintendent, then the
17 regional superintendent shall issue to the applicant a
18 certificate evidencing that as of the date specified by the
19 Department of State Police the applicant has not been
20 convicted of any of the enumerated criminal or drug offenses
21 in subsection (c) or has not been convicted, within 7 years
22 of the application for employment with the school district,
23 of any other felony under the laws of this State or of any
24 offense committed or attempted in any other state or against
25 the laws of the United States that, if committed or attempted
26 in this State, would have been punishable as a felony under
27 the laws of this State. The school board of any school
28 district located in the educational service region served by
29 the regional superintendent who issues such a certificate to
30 an applicant for employment as a substitute or concurrent
31 part-time teacher or concurrent educational support personnel
32 employee in more than one such district may rely on the
33 certificate issued by the regional superintendent to that
34 applicant, or may initiate its own investigation of the

1 applicant through the Department of State Police as provided
2 in subsection (a). Any person who releases any confidential
3 information concerning any criminal convictions of an
4 applicant for employment or student teacher shall be guilty
5 of a Class A misdemeanor, unless the release of such
6 information is authorized by this Section.

7 (c) The board of education shall not knowingly employ a
8 person or knowingly allow a person to student teach who has
9 been convicted for committing attempted first degree murder
10 or for committing or attempting to commit first degree murder
11 or a Class X felony or any one or more of the following
12 offenses: (i) those defined in Sections 11-6, 11-9, 11-14,
13 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
14 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16
15 of the Criminal Code of 1961; (ii) those defined in the
16 Cannabis Control Act, except those defined in Sections 4(a),
17 4(b) and 5(a) of that Act; (iii) those defined in the
18 Illinois Controlled Substances Act; and (iv) any offense
19 committed or attempted in any other state or against the laws
20 of the United States, which if committed or attempted in this
21 State, would have been punishable as one or more of the
22 foregoing offenses. Further, the board of education shall not
23 knowingly employ a person or knowingly allow a person to
24 student teach who has been found to be the perpetrator of
25 sexual or physical abuse of any minor under 18 years of age
26 pursuant to proceedings under Article II of the Juvenile
27 Court Act of 1987.

28 (d) The board of education shall not knowingly employ a
29 person or knowingly allow a person to student teach for whom
30 a criminal background investigation has not been initiated.

31 (e) Upon receipt of the record of a conviction of or a
32 finding of child abuse by a holder of any certificate issued
33 pursuant to Article 21 or Section 34-8.1 or 34-83 of the
34 School Code, the board of education or the State

1 Superintendent of Education shall initiate the certificate
2 suspension and revocation proceedings authorized by law.

3 (f) After March 19, 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 background investigations on employees of persons or
10 firms holding contracts with more than one school district
11 and assigned to more than one school district, the regional
12 superintendent of the educational service region in which the
13 contracting school districts are located may, at the request
14 of any such school district, be responsible for receiving the
15 authorization for investigation prepared by each such
16 employee and submitting the same to the Department of State
17 Police. Any information concerning the record of conviction
18 of any such employee obtained by the regional superintendent
19 shall be promptly reported to the president of the
20 appropriate school board or school boards.

21 (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

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