

1 AN ACT in relation to 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
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
23 State. Authorization for the investigation shall be furnished
24 by the applicant or student teacher to the school district,
25 except that if the applicant is a substitute teacher seeking
26 employment in more than one school district, a teacher
27 seeking concurrent part-time employment positions with more
28 than one school district (as a reading specialist, special
29 education teacher or otherwise), or an educational support
30 personnel employee seeking employment positions with more
31 than one district, any such district may require the

1 applicant to furnish authorization for the investigation to
2 the regional superintendent of the educational service region
3 in which are located the school districts in which the
4 applicant is seeking employment as a substitute or concurrent
5 part-time teacher or concurrent educational support personnel
6 employee. Upon receipt of this authorization, the school
7 district or the appropriate regional superintendent, as the
8 case may be, shall submit the applicant's or student
9 teacher's name, sex, race, date of birth and social security
10 number to the Department of State Police on forms prescribed
11 by the Department. The regional superintendent submitting the
12 requisite information to the Department of State Police shall
13 promptly notify the school districts in which the applicant
14 is seeking employment as a substitute or concurrent part-time
15 teacher or concurrent educational support personnel employee
16 that the investigation of the applicant has been requested.
17 The Department of State Police shall conduct an investigation
18 to ascertain if the applicant being considered for employment
19 or student teacher has been convicted of any of the
20 enumerated criminal or drug offenses in subsection (c) or has
21 been convicted, within 7 years of the application for
22 employment with the school district or of being assigned as a
23 student teacher to that district, of any other felony under
24 the laws of this State or of any offense committed or
25 attempted in any other state or against the laws of the
26 United States that, if committed or attempted in this State,
27 would have been punishable as a felony under the laws of this
28 State. The Department shall charge the school district or
29 the appropriate regional superintendent a fee for conducting
30 such investigation, which fee shall be deposited in the State
31 Police Services Fund and shall not exceed the cost of the
32 inquiry; and the applicant or student teacher shall not be
33 charged a fee for such investigation by the school district
34 or by the regional superintendent. The regional

1 superintendent may seek reimbursement from the State Board of
2 Education or the appropriate school district or districts for
3 fees paid by the regional superintendent to the Department
4 for the criminal background investigations required by this
5 Section.

6 (b) The Department shall furnish, pursuant to positive
7 identification, records of convictions, until expunged, to
8 the president of the school board for the school district
9 which requested the investigation, or to the regional
10 superintendent who requested the investigation. Any
11 information concerning the record of convictions obtained by
12 the president of the school board or the regional
13 superintendent shall be confidential and may only be
14 transmitted to the superintendent of the school district or
15 his designee, the appropriate regional superintendent if the
16 investigation was requested by the school district, the
17 presidents of the appropriate school boards if the
18 investigation was requested from the Department of State
19 Police by the regional superintendent, the State
20 Superintendent of Education, the State Teacher Certification
21 Board or any other person necessary to the decision of hiring
22 the applicant for employment or assigning the student teacher
23 to a school district. A copy of the record of convictions
24 obtained from the Department of State Police shall be
25 provided to the applicant for employment or student teacher.
26 If an investigation of an applicant for employment as a
27 substitute or concurrent part-time teacher or concurrent
28 educational support personnel employee in more than one
29 school district was requested by the regional superintendent,
30 and the Department of State Police upon investigation
31 ascertains that the applicant has not been convicted of any
32 of the enumerated criminal or drug offenses in subsection (c)
33 or has not been convicted, within 7 years of the application
34 for employment with the school district, of any other felony

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

29 (c) No school board shall knowingly employ a person or
30 knowingly allow a person to student teach who has been
31 convicted for committing attempted first degree murder or for
32 committing or attempting to commit first degree murder or a
33 Class X felony or any one or more of the following offenses:
34 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,

1 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
2 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
3 "Criminal Code of 1961"; (ii) those defined in the "Cannabis
4 Control Act" except those defined in Sections 4(a), 4(b) and
5 5(a) of that Act; (iii) those defined in the "Illinois
6 Controlled Substances Act"; and (iv) any offense committed or
7 attempted in any other state or against the laws of the
8 United States, which if committed or attempted in this State,
9 would have been punishable as one or more of the foregoing
10 offenses. Further, no school board shall knowingly employ a
11 person or knowingly allow a person to student teach who has
12 been found to be the perpetrator of sexual or physical abuse
13 of any minor under 18 years of age pursuant to proceedings
14 under Article II of the Juvenile Court Act of 1987.

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

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

25 (f) After January 1, 1990 the provisions of this Section
26 shall apply to all employees of persons or firms holding
27 contracts with any school district including, but not limited
28 to, food service workers, school bus drivers and other
29 transportation employees, who have direct, daily contact with
30 the pupils of any school in such district. For purposes of
31 criminal background investigations on employees of persons or
32 firms holding contracts with more than one school district
33 and assigned to more than one school district, the regional
34 superintendent of the educational service region in which the

1 contracting school districts are located may, at the request
 2 of any such school district, be responsible for receiving the
 3 authorization for investigation prepared by each such
 4 employee and submitting the same to the Department of State
 5 Police. Any information concerning the record of conviction
 6 of any such employee obtained by the regional superintendent
 7 shall be promptly reported to the president of the
 8 appropriate school board or school boards.

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

10 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

11 Sec. 34-18.5. Criminal background investigations.

12 (a) ~~After August 17, 1985,~~ Certified and noncertified
 13 applicants for employment with the school district and
 14 student teachers assigned to the district are required, as a
 15 condition of employment or student teaching in that district,
 16 to authorize an investigation to determine if such applicants
 17 or student teachers have been convicted of any of the
 18 enumerated criminal or drug offenses in subsection (c) of
 19 this Section or have been convicted, within 7 years of the
 20 application for employment with the school district or of
 21 being assigned as a student teacher to that district, of any
 22 other felony under the laws of this State or of any offense
 23 committed or attempted in any other state or against the laws
 24 of the United States that, if committed or attempted in this
 25 State, would have been punishable as a felony under the laws
 26 of this State. Authorization for the investigation shall be
 27 furnished by the applicant or student teacher to the school
 28 district, except that if the applicant is a substitute
 29 teacher seeking employment in more than one school district,
 30 or a teacher seeking concurrent part-time employment
 31 positions with more than one school district (as a reading
 32 specialist, special education teacher or otherwise), or an
 33 educational support personnel employee seeking employment

1 positions with more than one district, any such district may
2 require the applicant to furnish authorization for the
3 investigation to the regional superintendent of the
4 educational service region in which are located the school
5 districts in which the applicant is seeking employment as a
6 substitute or concurrent part-time teacher or concurrent
7 educational support personnel employee. Upon receipt of this
8 authorization, the school district or the appropriate
9 regional superintendent, as the case may be, shall submit the
10 applicant's or student teacher's name, sex, race, date of
11 birth and social security number to the Department of State
12 Police on forms prescribed by the Department. The regional
13 superintendent submitting the requisite information to the
14 Department of State Police shall promptly notify the school
15 districts in which the applicant is seeking employment as a
16 substitute or concurrent part-time teacher or concurrent
17 educational support personnel employee that the investigation
18 of the applicant has been requested. The Department of State
19 Police shall conduct an investigation to ascertain if the
20 applicant being considered for employment or student teacher
21 has been convicted of any of the enumerated criminal or drug
22 offenses in subsection (c) or has been convicted, within 7
23 years of the application for employment with the school
24 district or of being assigned as a student teacher to that
25 district, of any other felony under the laws of this State or
26 of any offense committed or attempted in any other state or
27 against the laws of the United States that, if committed or
28 attempted in this State, would have been punishable as a
29 felony under the laws of this State. The Department shall
30 charge the school district or the appropriate regional
31 superintendent a fee for conducting such investigation, which
32 fee shall be deposited in the State Police Services Fund and
33 shall not exceed the cost of the inquiry; and the applicant
34 or student teacher shall not be charged a fee for such

1 investigation by the school district or by the regional
2 superintendent. The regional superintendent may seek
3 reimbursement from the State Board of Education or the
4 appropriate school district or districts for fees paid by the
5 regional superintendent to the Department for the criminal
6 background investigations required by this Section.

7 (b) The Department shall furnish, pursuant to positive
8 identification, records of convictions, until expunged, to
9 the president of the board of education for the school
10 district which requested the investigation, or to the
11 regional superintendent who requested the investigation. Any
12 information concerning the record of convictions obtained by
13 the president of the board of education or the regional
14 superintendent shall be confidential and may only be
15 transmitted to the general superintendent of the school
16 district or his designee, the appropriate regional
17 superintendent if the investigation was requested by the
18 board of education for the school district, the presidents of
19 the appropriate board of education or school boards if the
20 investigation was requested from the Department of State
21 Police by the regional superintendent, the State
22 Superintendent of Education, the State Teacher Certification
23 Board or any other person necessary to the decision of hiring
24 the applicant for employment or assigning the student teacher
25 to a school district. A copy of the record of convictions
26 obtained from the Department of State Police shall be
27 provided to the applicant for employment or student teacher.
28 If an investigation of an applicant for employment as a
29 substitute or concurrent part-time teacher or concurrent
30 educational support personnel employee in more than one
31 school district was requested by the regional superintendent,
32 and the Department of State Police upon investigation
33 ascertains that the applicant has not been convicted of any
34 of the enumerated criminal or drug offenses in subsection (c)

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

32 (c) The board of education shall not knowingly employ a
33 person or knowingly allow a person to student teach who has
34 been convicted for committing attempted first degree murder

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

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

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

28 (f) After March 19, 1990, the provisions of this Section
29 shall apply to all employees of persons or firms holding
30 contracts with any school district including, but not limited
31 to, food service workers, school bus drivers and other
32 transportation employees, who have direct, daily contact with
33 the pupils of any school in such district. For purposes of
34 criminal background investigations on employees of persons or

1 firms holding contracts with more than one school district
2 and assigned to more than one school district, the regional
3 superintendent of the educational service region in which the
4 contracting school districts are located may, at the request
5 of any such school district, be responsible for receiving the
6 authorization for investigation prepared by each such
7 employee and submitting the same to the Department of State
8 Police. Any information concerning the record of conviction
9 of any such employee obtained by the regional superintendent
10 shall be promptly reported to the president of the
11 appropriate school board or school boards.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.