

ILLINOIS STATE BOARD OF EDUCATION

Education Agency

FY14 Headcount: 506

<http://www.isbe.state.il.us/>

Summary of Agency Operations

The Illinois State Board of Education (ISBE) provides resources to promote quality education and opportunities for growth and learning for all Illinois students. ISBE offers every Illinois student access to a strong education system with comprehensive programs to ensure college and career readiness and that students are prepared to ultimately compete in the global economy. ISBE promotes effective leadership to school districts and educators to ensure every school offers a safe and healthy learning environment for all students.

Internal Hiring

Agency positions subject to criminal history restrictions, by statute or regulation

None

Agency positions subject to criminal history restrictions by agency policy

All, positions/titles not enumerated in the agency's report to the Task Force

System of personnel administration

School Code, Article 1A, State Board of Education [105 ILCS 5/1A-10]

Sec. 1A-10. Divisions of Board. The State Board of Education shall, before April 1, 2005, create divisions within the Board, including without limitation the following:

- (1) Teaching and Learning Services for All Children.
- (2) School Support Services for All Schools.
- (3) Fiscal Support Services.
- (4) (Blank).
- (5) Internal Auditor.
- (6) Human Resources.

The State Board of Education may, after consultation with the General Assembly, add any divisions or functions to the Board that it deems appropriate and consistent with Illinois law. (Source: P.A. 95-793, eff. 1-1-09.)

Criminal history record check procedures

1) Self-disclosure on application

Yes

2) Background check review procedure

Background checks conducted, but procedures not specified in agency's report to the Task Force

Exemption, waiver, or review mechanisms

Not specified in agency's report to the Task Force

Number of job applicants who were subject to a criminal history records check in 2010-2011

Not reported to the Task Force. None disqualified; none sought waiver, per agency report.

Occupational Licensing, Certification, Regulation

Occupational licenses issued by agency that are subject to criminal history restrictions

Any certified (or noncertified) employment position with a public school district.

Statutory, regulatory restrictions applicable to occupational licensing

School Code 105 ILCS 5/21B-5 (Licensure powers of the State Board of Education)

Recognizing that the education of our citizens is the single most important influence on the prosperity and success of this State and recognizing that new developments in education require a flexible approach to our educational system, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall have the power and authority to do all of the following: (1) Set standards for teaching, supervising, or otherwise holding licensed employment in the public schools of this State and administer the licensure process as provided in this Article.

School Code 105 ILCS 5/21B-15 (Qualifications of educators)

(a) No one may be licensed to teach or supervise or be otherwise employed in the public schools of this State **who is not of good character** and at least 20 years of age. In determining good character under this Section, the State Superintendent of Education shall take into consideration the disciplinary actions of other states or national entities against certificates or licenses issued by those states and held by individuals from those states. In addition, **any felony conviction of the applicant may be taken into consideration**; however, no one may be licensed to teach or supervise in the public schools of this State who has been convicted of an offense set forth in Section 21B-80 of this Code. Unless the conviction is for an offense set forth in Section 21B-80 of this Code, an applicant must be permitted to submit character references or other written material before such a conviction or other information regarding the applicant's character may be used by the State Superintendent of Education as a basis for denying the application.

Restriction Type: Mandatory

Restriction Duration: Not specified

(105 ILCS 5/21B-80) Sec. 21B-80. Conviction of certain offenses as grounds for revocation of license. (a) As used in this Section:

"Narcotics offense" means any one or more of the following offenses:

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

(2) **Any offense defined in the Illinois Controlled Substances Act**, except any offense for which the holder of a license is placed on probation under the provisions of Section 410 of the

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Illinois Controlled Substances Act, provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.

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

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

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

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

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

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

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

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

Restriction Type: Mandatory

Restriction Duration: No time limit specified

Background check procedures for applicants to a school district

School Code 105 ILCS 5/10-21. Sec. 10-21.9. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database. a) Certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have **been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.** (c) No school board shall knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code. Further, **no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.**

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Restriction Type: Mandatory

Restriction Duration: No time limit specified

School Code 105 ILCS 5/10-21. Sec. 10-21.9. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. **The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent,** except that those applicants seeking employment as a substitute teacher with a school district may be charged a fee not to exceed the cost of the inquiry. **Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.**

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

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

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

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Restriction Type: Mandatory

Restriction Duration: Within 7 years of the application for employment, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.

Self-disclosure of convictions by applicants to a school district

Administrative Code: Title 23, Subtitle A, Chapter I, Sub chapter b, Part 25, Sub part F, Section 25.490 Certifications of Persons who have been Convicted of a Crime

Pursuant to Section 21-23a of the School Code [105 ILCS 5/21-23a], convictions related to certain offenses lead to revocation of certificates. Further, **convictions related to certain other offenses may lead to refusal of certification if they demonstrate individuals not to be of good character as required by Section 21-1 of the School Code [105 ILCS 5/21-1].**

Accordingly, **each applicant for the issuance**, registration, or renewal of an Illinois certificate or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, **shall be required to indicate on the relevant form whether he or she has ever been convicted of a felony or of any sex, narcotics, or drug offense in Illinois or any other state.**

Restriction Type: Mandatory

Restriction Duration: At least one year has elapsed since the end of the sentence for the criminal offense

Review Procedures for Background Check for applicants to a school district

Administrative Code: Title 23, Subtitle A, Chapter I, Sub chapter b, Part 25, Sub part F, Section 25.490 Certifications of Persons who have been Convicted of a Crime

a. Each individual providing an affirmative response to this question shall be ineligible to receive, register, or renew a certificate or to receive an additional credential if the offense was one of those enumerated in Section 21-23a of the School Code or, **if the offense was not one of those enumerated**, until he or she provides to the State Superintendent of Education: 1) a certified court record of the conviction; 2) evidence that at least one year has elapsed since the end of the sentence for the criminal offense, where "sentence" includes any period of probation that was imposed either alone or in combination with a period of incarceration.

Restriction Type: Discretionary

Restriction Duration: At least one year has elapsed since the end of the sentence for the criminal offense, where "sentence" includes any period of probation that was imposed either alone or in combination with a period of incarceration.

Registration and recognition of non-public elementary and secondary schools:

105 ILCS 5/2-3.25o) (Registration and recognition of non-public elementary and secondary schools)

(c-5) A non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless the school requires all certified and non-certified applicants for

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employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been **convicted of any of the enumerated criminal or drug offenses set forth in Section 21-23a of this Code or have been convicted, within 7 years of the application for employment, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.**

Authorization for the check shall be furnished by the applicant to the school, except that if the applicant is a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school, then only one of the non-public schools employing the individual shall request the authorization. Upon receipt of this authorization, the non-public school shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police.

Restriction Type: Mandatory

Restriction Duration: Within 7 years of the application for employment, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.

Definition of Good Character

School Code (105 ILCS 5/21B-15) Sec. 21B-15. Qualifications of educators.

(a) No one may be licensed to teach or supervise or be otherwise employed in the public schools of this State who is not of good character and at least 20 years of age.

In determining **good character under this Section**, the State Superintendent of Education shall take into consideration the disciplinary actions of other states or national entities against certificates or licenses issued by those states and held by individuals from those states. In addition, **any felony conviction of the applicant may be taken into consideration**; however, no one may be licensed to teach or supervise in the public schools of this State who has been convicted of an offense set forth in Section 21B-80 of this Code. Unless the conviction is for an offense set forth in Section 21B-80 of this Code, **an applicant must be permitted to submit character references or other written material before such a conviction or other information regarding the applicant's character may be used by the State Superintendent of Education as a basis for denying the application.**

Restriction Type: Mandatory

Restriction Duration: No time limit specified

Bilingual certification

Administrative Code: Title 23, Subtitle A, Chapter I, Sub chapter b, Part 25, Sub part B, Section 25.90 Transitional Bilingual Certificate and Examination a. General Requirements.

The applicant shall meet the following general requirements: 1) **Be of good character, as defined in Section 21B-15 of the School Code [105 ILCS 5/21B-15].** (See above for definition)

Restriction Type: Mandatory

Restriction Duration: No time limit specified

Interim Certification of School Counselor Interns

Administrative Code: Title 23, Subtitle A, Chapter I, Sub chapter b, Part 25, Sub part D, Section 25.227 Interim Certification of School Counselor Interns (2004) b. Each applicant shall **be of good character, as defined in Section 21B-15 of the School Code [105 ILCS 5/21B-15].** (See above for definition)

Restriction Type: Mandatory

Restriction Duration: No time limit specified

Interim Certification of Speech – Language Pathologist Interns

Administrative Code: Title 23, Subtitle A, Chapter I, Sub chapter b, Part 25, Sub part D, Section 25.255 Interim Certification of Speech – Language Pathologist Interns a. Each applicant for this certification shall **be of good character, as defined in Section 21B-15 of the School Code [105 ILCS 5/21B-15].** (See above for definition)

Restriction Type: Mandatory

Restriction Duration: No time limit specified

Out of country tutors

Administrative Code: Title 23, Subtitle A, Chapter I, Sub chapter o, Part 675, Sub part A, Section 675.50 Application Requirements d. If the applicant intends to assign tutors who reside outside the United States, the application shall identify their countries of residence and, for each of those countries, **the national and either regional or local law enforcement authorities from which fingerprint-based checks of criminal history records will be obtained that will be comparable to those required under Section 10-21.9 of the School Code [105 ILCS 5/10-21.9].** Individuals residing in countries where checks of these types are not available shall not be assigned as tutors.

Restriction Type: Mandatory

Restriction Duration: No time limit specified

Employment Contracting

Contract positions subject to criminal history restrictions

All employees of persons or firms holding contracts with non-public schools, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct, daily contact with pupils

School Code 105 ILCS 5/2-3.25o (Registration and recognition of non-public elementary and secondary schools)

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

Restriction Type: Mandatory

Restriction Duration: No time limit specified

Summary of Employment Restrictions from Agency Report

The Illinois State Board of Education (ISBE) does not have any positions that have a criminal records based restriction. However, ISBE's employment application does inquire regarding criminal history. Further, ISBE conducts background checks on all new employees.

During the past two (2) years, ISBE has not failed to hire an individual or terminated an individual based on a criminal record.

All applicants for employment with public school districts must submit to a fingerprint-based check with the Illinois State Police and FBI. 105 ILCS 5/21B-80 lists all criminal offenses that automatically prohibit an individual from obtaining or holding a certificate, or being employed in the public or ISBE-recognized nonpublic school.