



## 93RD GENERAL ASSEMBLY

### State of Illinois

2003 and 2004

HB5038

Introduced 2/5/2004, by Calvin L. Giles

#### SYNOPSIS AS INTRODUCED:

|                       |                              |
|-----------------------|------------------------------|
| 20 ILCS 2605/2605-325 | was 20 ILCS 2605/55a in part |
| 105 ILCS 5/10-21.9    | from Ch. 122, par. 10-21.9   |
| 105 ILCS 5/27A-5      |                              |
| 105 ILCS 5/27A-8      |                              |
| 105 ILCS 5/34-18.5    | from Ch. 122, par. 34-18.5   |

Amends the School Code. Requires a criminal background investigation of charter school governing body members. Provides that a charter school is not exempt from a Section of the Code regarding the interest of board members in school contracts. Makes a change concerning when a school board must file the report granting or denying a charter school proposal with the State Board of Education. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB093 19744 NHT 45485 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Department of State Police Law of the Civil  
5 Administrative Code of Illinois is amended by changing Section  
6 2605-325 as follows:

7 (20 ILCS 2605/2605-325) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-325. Conviction information for school board or  
9 regional superintendent. On request of a school board or  
10 regional superintendent of schools, to conduct an  
11 investigation inquiry pursuant to Section 10-21.9 or 34-18.5 of  
12 the School Code to ascertain whether an applicant for  
13 employment in a school district or a charter school governing  
14 body member has been convicted of committing or attempting to  
15 commit a ~~any~~ criminal or drug offense specified ~~offenses~~  
16 ~~enumerated~~ in Section 10-21.9 or 34-18.5 of the School Code.  
17 The Department shall furnish the conviction information to the  
18 president of the school board of the school district that has  
19 requested the information or, if the information was requested  
20 by the regional superintendent, to that regional  
21 superintendent.

22 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
23 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,  
24 eff. 8-14-98; 91-239, eff. 1-1-00.)

25 Section 10. The School Code is amended by changing Sections  
26 10-21.9, 27A-5, 27A-8, and 34-18.5 as follows:

27 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

28 Sec. 10-21.9. Criminal background investigations.

29 (a) Certified ~~After August 1, 1985, certified~~ and  
30 noncertified applicants for employment with a school district

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

1 of the applicant has been requested. The Department of State  
2 Police shall conduct a search of the Illinois criminal history  
3 records database to ascertain if the person ~~applicant being~~  
4 ~~considered for employment~~ has been convicted of committing or  
5 attempting to commit any of the enumerated criminal or drug  
6 offenses in subsection (c) or has been convicted of committing  
7 or attempting to commit, within 7 years of the application for  
8 employment with the school district or within 7 years of  
9 membership on the charter school governing body, any other  
10 felony under the laws of this State or ~~of~~ any offense committed  
11 or 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. The Department shall charge the school district or the  
15 appropriate regional superintendent a fee for conducting such  
16 investigation, which fee shall be deposited in the State Police  
17 Services Fund and shall not exceed the cost of the  
18 investigation inquiry; and the person ~~applicant~~ shall not be  
19 charged a fee for such investigation by the school district or  
20 by the regional superintendent. The regional superintendent  
21 may seek reimbursement from the State Board of Education or the  
22 appropriate school district or districts for fees paid by the  
23 regional superintendent to the Department for the criminal  
24 background investigations required by this Section.

25 (b) If the search of the Illinois criminal history  
26 records database indicates that the person ~~applicant~~ has been  
27 convicted of committing or attempting to commit any of the  
28 enumerated criminal or drug offenses in subsection (c) or has  
29 been convicted of committing or attempting to commit, within 7  
30 years before the application for employment with the school  
31 district or within 7 years before membership on the charter  
32 school governing body, any other felony under the laws of this  
33 State, the Department and the Federal Bureau of Investigation  
34 shall furnish, pursuant to a fingerprint based background  
35 check, records of convictions, until expunged, to the president  
36 of the school board for the school district which requested the

1 investigation, or to the regional superintendent who requested  
2 the investigation. Any information concerning the record of  
3 convictions obtained by the president of the school board or  
4 the regional superintendent shall be confidential and may only  
5 be transmitted to the superintendent of the school district or  
6 his designee, the appropriate regional superintendent if the  
7 investigation was requested by the school district, the  
8 presidents of the appropriate school boards if the  
9 investigation was requested from the Department of State Police  
10 by the regional superintendent, the State Superintendent of  
11 Education, the State Teacher Certification Board or any other  
12 person necessary to the decision of hiring the applicant for  
13 employment or allowing the member to be on the charter school  
14 governing body. A copy of the record of convictions obtained  
15 from the Department of State Police shall be provided to the  
16 person ~~applicant for employment~~. If an investigation of an  
17 applicant for employment as a substitute or concurrent  
18 part-time teacher or concurrent educational support personnel  
19 employee in more than one school district was requested by the  
20 regional superintendent, and the Department of State Police  
21 upon investigation ascertains that the applicant has not been  
22 convicted of any of the enumerated criminal or drug offenses in  
23 subsection (c) or has not been convicted, within 7 years of the  
24 application for employment with the school district, of any  
25 other felony under the laws of this State or of any offense  
26 committed or attempted in any other state or against the laws  
27 of the United States that, if committed or attempted in this  
28 State, would have been punishable as a felony under the laws of  
29 this State and so notifies the regional superintendent, then  
30 the regional superintendent shall issue to the applicant a  
31 certificate evidencing that as of the date specified by the  
32 Department of State Police the applicant has not been convicted  
33 of any of the enumerated criminal or drug offenses in  
34 subsection (c) or has not been convicted, within 7 years of the  
35 application for employment with the school district, of any  
36 other felony under the laws of this State or of any offense

1 committed or attempted in any other state or against the laws  
2 of the United States that, if committed or attempted in this  
3 State, would have been punishable as a felony under the laws of  
4 this State. The school board of any school district located in  
5 the educational service region served by the regional  
6 superintendent who issues such a certificate to an applicant  
7 for employment as a substitute teacher in more than one such  
8 district may rely on the certificate issued by the regional  
9 superintendent to that applicant, or may initiate its own  
10 investigation of the applicant through the Department of State  
11 Police as provided in subsection (a). Any person who releases  
12 any confidential information concerning any criminal  
13 convictions of an applicant for employment or charter school  
14 governing body member shall be guilty of a Class A misdemeanor,  
15 unless the release of such information is authorized by this  
16 Section.

17 (c) No school board shall knowingly employ nor charter  
18 school knowingly have as a governing body member a person who  
19 has been convicted for committing attempted first degree murder  
20 or for committing or attempting to commit first degree murder  
21 or a Class X felony or any one or more of the following  
22 offenses: (i) those defined in Sections 11-6, 11-9, 11-14,  
23 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
24 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16  
25 of the "Criminal Code of 1961"; (ii) those defined in the  
26 "Cannabis Control Act" except those defined in Sections 4(a),  
27 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois  
28 Controlled Substances Act"; and (iv) any offense committed or  
29 attempted in any other state or against the laws of the United  
30 States, which if committed or attempted in this State, would  
31 have been punishable as one or more of the foregoing offenses.  
32 Further, no school board shall knowingly employ a person who  
33 has been found to be the perpetrator of sexual or physical  
34 abuse of any minor under 18 years of age pursuant to  
35 proceedings under Article II of the Juvenile Court Act of 1987.

36 (d) No school board shall knowingly employ nor charter

1 school knowingly have as a governing body member a person for  
2 whom a criminal background investigation has not been  
3 initiated.

4 (e) Upon receipt of the record of a conviction of or a  
5 finding of child abuse by a holder of any certificate issued  
6 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
7 Code, the appropriate regional superintendent of schools or the  
8 State Superintendent of Education shall initiate the  
9 certificate suspension and revocation proceedings authorized  
10 by law.

11 (f) After January 1, 1990 the provisions of this Section  
12 shall apply to all employees of persons or firms holding  
13 contracts with any school district including, but not limited  
14 to, food service workers, school bus drivers and other  
15 transportation employees, who have direct, daily contact with  
16 the pupils of any school in such district. For purposes of  
17 criminal background investigations on employees of persons or  
18 firms holding contracts with more than one school district and  
19 assigned to more than one school district, the regional  
20 superintendent of the educational service region in which the  
21 contracting school districts are located may, at the request of  
22 any such school district, be responsible for receiving the  
23 authorization for investigation prepared by each such employee  
24 and submitting the same to the Department of State Police. Any  
25 information concerning the record of conviction of any such  
26 employee obtained by the regional superintendent shall be  
27 promptly reported to the president of the appropriate school  
28 board or school boards.

29 (Source: P.A. 93-418, eff. 1-1-04.)

30 (105 ILCS 5/27A-5)

31 Sec. 27A-5. Charter school; legal entity; requirements.

32 (a) A charter school shall be a public, nonsectarian,  
33 nonreligious, non-home based, and non-profit school. A charter  
34 school shall be organized and operated as a nonprofit  
35 corporation or other discrete, legal, nonprofit entity

1 authorized under the laws of the State of Illinois.

2 (b) A charter school may be established under this Article  
3 by creating a new school or by converting an existing public  
4 school or attendance center to charter school status.

5 Beginning on the effective date of this amendatory Act of the  
6 93rd General Assembly, in all new applications submitted to the  
7 State Board or a local school board to establish a charter  
8 school in a city having a population exceeding 500,000,  
9 operation of the charter school shall be limited to one campus.  
10 The changes made to this Section by this amendatory Act of the  
11 93rd General Assembly do not apply to charter schools existing  
12 or approved on or before the effective date of this amendatory  
13 Act.

14 (c) A charter school shall be administered and governed by  
15 its board of directors or other governing body in the manner  
16 provided in its charter. The governing body of a charter school  
17 shall be subject to the Freedom of Information Act and the Open  
18 Meetings Act.

19 (d) A charter school shall comply with all applicable  
20 health and safety requirements applicable to public schools  
21 under the laws of the State of Illinois.

22 (e) Except as otherwise provided in the School Code, a  
23 charter school shall not charge tuition; provided that a  
24 charter school may charge reasonable fees for textbooks,  
25 instructional materials, and student activities.

26 (f) A charter school shall be responsible for the  
27 management and operation of its fiscal affairs including, but  
28 not limited to, the preparation of its budget. An audit of each  
29 charter school's finances shall be conducted annually by an  
30 outside, independent contractor retained by the charter  
31 school.

32 (g) A charter school shall comply with all provisions of  
33 this Article and its charter. A charter school is exempt from  
34 all other State laws and regulations in the School Code  
35 governing public schools and local school board policies,  
36 except the following:



1 (1) Sections 10-21.9 and 34-18.5 of the School Code  
2 regarding criminal background investigations of applicants  
3 for employment;

4 (2) Sections 24-24 and 34-84A of the School Code  
5 regarding discipline of students;

6 (3) The Local Governmental and Governmental Employees  
7 Tort Immunity Act;

8 (4) Section 108.75 of the General Not For Profit  
9 Corporation Act of 1986 regarding indemnification of  
10 officers, directors, employees, and agents;

11 (5) The Abused and Neglected Child Reporting Act;

12 (6) The Illinois School Student Records Act; ~~and~~

13 (7) Section 10-17a of the School Code regarding school  
14 report cards; ~~and-~~

15 (8) Section 10-9 of the School Code regarding the  
16 interest of board members in school contracts, which shall  
17 apply to the interest of charter school governing body  
18 members in charter school contracts.

19 (h) A charter school may negotiate and contract with a  
20 school district, the governing body of a State college or  
21 university or public community college, or any other public or  
22 for-profit or nonprofit private entity for: (i) the use of a  
23 school building and grounds or any other real property or  
24 facilities that the charter school desires to use or convert  
25 for use as a charter school site, (ii) the operation and  
26 maintenance thereof, and (iii) the provision of any service,  
27 activity, or undertaking that the charter school is required to  
28 perform in order to carry out the terms of its charter.  
29 However, a charter school that is established on or after the  
30 effective date of this amendatory Act of the 93rd General  
31 Assembly and that operates in a city having a population  
32 exceeding 500,000 may not contract with a for-profit entity to  
33 manage or operate the school during the period that commences  
34 on the effective date of this amendatory Act of the 93rd  
35 General Assembly and concludes at the end of the 2004-2005  
36 school year. Except as provided in subsection (i) of this

1 Section, a school district may charge a charter school  
2 reasonable rent for the use of the district's buildings,  
3 grounds, and facilities. Any services for which a charter  
4 school contracts with a school district shall be provided by  
5 the district at cost. Any services for which a charter school  
6 contracts with a local school board or with the governing body  
7 of a State college or university or public community college  
8 shall be provided by the public entity at cost.

9 (i) In no event shall a charter school that is established  
10 by converting an existing school or attendance center to  
11 charter school status be required to pay rent for space that is  
12 deemed available, as negotiated and provided in the charter  
13 agreement, in school district facilities. However, all other  
14 costs for the operation and maintenance of school district  
15 facilities that are used by the charter school shall be subject  
16 to negotiation between the charter school and the local school  
17 board and shall be set forth in the charter.

18 (j) A charter school may limit student enrollment by age or  
19 grade level.

20 (Source: P.A. 93-3, eff. 4-16-03.)

21 (105 ILCS 5/27A-8)

22 Sec. 27A-8. Evaluation of charter proposals.

23 (a) This Section does not apply to a charter school  
24 established by referendum under Section 27A-6.5. In evaluating  
25 any charter school proposal submitted to it, the local school  
26 board shall give preference to proposals that:

27 (1) demonstrate a high level of local pupil, parental,  
28 community, business, and school personnel support;

29 (2) set rigorous levels of expected pupil achievement  
30 and demonstrate feasible plans for attaining those levels  
31 of achievement; and

32 (3) are designed to enroll and serve a substantial  
33 proportion of at-risk children; provided that nothing in  
34 the Charter Schools Law shall be construed as intended to  
35 limit the establishment of charter schools to those that

1           serve a substantial portion of at-risk children or to in  
2           any manner restrict, limit, or discourage the  
3           establishment of charter schools that enroll and serve  
4           other pupil populations under a nonexclusive,  
5           nondiscriminatory admissions policy.

6           (b) In the case of a proposal to establish a charter school  
7           by converting an existing public school or attendance center to  
8           charter school status, evidence that the proposed formation of  
9           the charter school has received majority support from certified  
10          teachers and from parents and guardians in the school or  
11          attendance center affected by the proposed charter, and, if  
12          applicable, from a local school council, shall be demonstrated  
13          by a petition in support of the charter school signed by  
14          certified teachers and a petition in support of the charter  
15          school signed by parents and guardians and, if applicable, by a  
16          vote of the local school council held at a public meeting. In  
17          the case of all other proposals to establish a charter school,  
18          evidence of sufficient support to fill the number of pupil  
19          seats set forth in the proposal may be demonstrated by a  
20          petition in support of the charter school signed by parents and  
21          guardians of students eligible to attend the charter school. In  
22          all cases, the individuals, organizations, or entities who  
23          initiate the proposal to establish a charter school may elect,  
24          in lieu of including any petition referred to in this  
25          subsection as a part of the proposal submitted to the local  
26          school board, to demonstrate that the charter school has  
27          received the support referred to in this subsection by other  
28          evidence and information presented at the public meeting that  
29          the local school board is required to convene under this  
30          Section.

31          (c) Within 45 days of receipt of a charter school proposal,  
32          the local school board shall convene a public meeting to obtain  
33          information to assist the board in its decision to grant or  
34          deny the charter school proposal.

35          (d) Notice of the public meeting required by this Section  
36          shall be published in a community newspaper published in the

1 school district in which the proposed charter is located and,  
2 if there is no such newspaper, then in a newspaper published in  
3 the county and having circulation in the school district. The  
4 notices shall be published not more than 10 days nor less than  
5 5 days before the meeting and shall state that information  
6 regarding a charter school proposal will be heard at the  
7 meeting. Copies of the notice shall also be posted at  
8 appropriate locations in the school or attendance center  
9 proposed to be established as a charter school, the public  
10 schools in the school district, and the local school board  
11 office.

12 (e) Within 30 days of the public meeting, the local school  
13 board shall vote, in a public meeting, to either grant or deny  
14 the charter school proposal.

15 (f) Within 7 days of the public meeting required under  
16 subsection (e), the local school board shall file a report with  
17 the State Board granting or denying the proposal. A report that  
18 at a minimum contains the charter school proposal and the  
19 charter agreement must be filed by the local school board with  
20 the State Board on or before March 1 in order for the charter  
21 school to open for the upcoming school year. Within 30 ~~14~~ days  
22 of receipt of the local school board's report, the State Board  
23 shall determine whether the approved charter proposal is  
24 consistent with the provisions of this Article and, if the  
25 approved proposal complies, certify the proposal pursuant to  
26 Section 27A-6.

27 (Source: P.A. 90-548, eff. 1-1-98; 91-407, eff. 8-3-99.)

28 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

29 Sec. 34-18.5. Criminal background investigations.

30 (a) Certified ~~After August 1, 1985, certified~~ and  
31 noncertified applicants for employment with the school  
32 district and charter school governing body members are  
33 required, as a condition of employment or membership on a  
34 charter school governing body, to authorize an investigation to  
35 determine if such persons ~~applicants~~ have been convicted of any

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

1 criminal or drug offenses in subsection (c) or has been  
2 convicted of committing or attempting to commit, within 7 years  
3 of the application for employment with the school district or  
4 within 7 years of membership on the charter school governing  
5 body, any other felony under the laws of this State or any  
6 offense committed or attempted in any other state or against  
7 the laws of the United States that, if committed or attempted  
8 in this State, would have been punishable as a felony under the  
9 laws of this State. The Department shall charge the school  
10 district or the appropriate regional superintendent a fee for  
11 conducting such investigation, which fee shall be deposited in  
12 the State Police Services Fund and shall not exceed the cost of  
13 the investigation inquiry; and the person applicant shall not  
14 be charged a fee for such investigation by the school district  
15 or by the regional superintendent. The regional superintendent  
16 may seek reimbursement from the State Board of Education or the  
17 appropriate school district or districts for fees paid by the  
18 regional superintendent to the Department for the criminal  
19 background investigations required by this Section.

20 (b) If the search of the Illinois criminal history records  
21 database indicates that the person applicant has been convicted  
22 of committing or attempting to commit any of the enumerated  
23 criminal or drug offenses in subsection (c) or has been  
24 convicted of committing or attempting to commit, within 7 years  
25 of the application for employment with the school district or  
26 within 7 years before membership on the charter school  
27 governing body, any other felony under the laws of this State,  
28 the Department and the Federal Bureau of Investigation shall  
29 furnish, pursuant to a fingerprint based background check,  
30 records of convictions, until expunged, to the president of the  
31 board of education for the school district which requested the  
32 investigation, or to the regional superintendent who requested  
33 the investigation. Any information concerning the record of  
34 convictions obtained by the president of the board of education  
35 or the regional superintendent shall be confidential and may  
36 only be transmitted to the general superintendent of the school

1 district or his designee, the appropriate regional  
2 superintendent if the investigation was requested by the board  
3 of education for the school district, the presidents of the  
4 appropriate board of education or school boards if the  
5 investigation was requested from the Department of State Police  
6 by the regional superintendent, the State Superintendent of  
7 Education, the State Teacher Certification Board or any other  
8 person necessary to the decision of hiring the applicant for  
9 employment or allowing a member to be on the charter school  
10 governing body. A copy of the record of convictions obtained  
11 from the Department of State Police shall be provided to the  
12 person ~~applicant for employment~~. If an investigation of an  
13 applicant for employment as a substitute or concurrent  
14 part-time teacher or concurrent educational support personnel  
15 employee in more than one school district was requested by the  
16 regional superintendent, and the Department of State Police  
17 upon investigation ascertains that the applicant has not been  
18 convicted of any of the enumerated criminal or drug offenses in  
19 subsection (c) or has not been convicted, within 7 years of the  
20 application for employment with the school district, of any  
21 other felony under the laws of this State or of any offense  
22 committed or attempted in any other state or against the laws  
23 of the United States that, if committed or attempted in this  
24 State, would have been punishable as a felony under the laws of  
25 this State and so notifies the regional superintendent, then  
26 the regional superintendent shall issue to the applicant a  
27 certificate evidencing that as of the date specified by the  
28 Department of State Police the applicant has not been convicted  
29 of any of the enumerated criminal or drug offenses in  
30 subsection (c) or has not been convicted, within 7 years of the  
31 application for employment with the school district, of any  
32 other felony under the laws of this State or of any offense  
33 committed or attempted in any other state or against the laws  
34 of the United States that, if committed or attempted in this  
35 State, would have been punishable as a felony under the laws of  
36 this State. The school board of any school district located in

1 the educational service region served by the regional  
2 superintendent who issues such a certificate to an applicant  
3 for employment as a substitute or concurrent part-time teacher  
4 or concurrent educational support personnel employee in more  
5 than one such district may rely on the certificate issued by  
6 the regional superintendent to that applicant, or may initiate  
7 its own investigation of the applicant through the Department  
8 of State Police as provided in subsection (a). Any person who  
9 releases any confidential information concerning any criminal  
10 convictions of an applicant for employment or charter school  
11 governing body member shall be guilty of a Class A misdemeanor,  
12 unless the release of such information is authorized by this  
13 Section.

14 (c) The board of education shall not knowingly employ nor  
15 charter school knowingly have as a governing body member a  
16 person who has been convicted for committing attempted first  
17 degree murder or for committing or attempting to commit first  
18 degree murder or a Class X felony or any one or more of the  
19 following offenses: (i) those defined in Sections 11-6, 11-9,  
20 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,  
21 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15  
22 and 12-16 of the Criminal Code of 1961; (ii) those defined in  
23 the Cannabis Control Act, except those defined in Sections  
24 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the  
25 Illinois Controlled Substances Act; and (iv) any offense  
26 committed or attempted in any other state or against the laws  
27 of the United States, which if committed or attempted in this  
28 State, would have been punishable as one or more of the  
29 foregoing offenses. Further, the board of education shall not  
30 knowingly employ a person who has been found to be the  
31 perpetrator of sexual or physical abuse of any minor under 18  
32 years of age pursuant to proceedings under Article II of the  
33 Juvenile Court Act of 1987.

34 (d) The board of education shall not knowingly employ nor  
35 charter school knowingly have as a governing body member a  
36 person for whom a criminal background investigation has not



1 been initiated.

2 (e) Upon receipt of the record of a conviction of or a  
3 finding of child abuse by a holder of any certificate issued  
4 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
5 Code, the board of education or the State Superintendent of  
6 Education shall initiate the certificate suspension and  
7 revocation proceedings authorized by law.

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

26 (Source: P.A. 93-418, eff. 1-1-04.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law.