

1 AMENDMENT TO HOUSE BILL 1840

2 AMENDMENT NO. _____. Amend House Bill 1840 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 7-31 and changing Sections 10-21.9 and 34-18.5 as follows:

6 (105 ILCS 5/7-31 new)

7 Sec. 7-31. Annexation of contiguous portion of
8 elementary or high school district.

9 (a) Notwithstanding any other provision of this Code,
10 any contiguous portion of an elementary school district must
11 be detached from that district and annexed to an adjoining
12 elementary school district to which the portion is also
13 contiguous and any contiguous portion of a high school
14 district must be detached from that district and annexed to
15 an adjoining school district to which the portion is also
16 contiguous (herein referred to as "the Territory") upon a
17 petition or petitions filed under this Section if all of the
18 following conditions are met with respect to each petition:

19 (1) The Territory is to be detached from a school
20 district that is located predominantly (meaning more than
21 50% of the district's area) in a county of not less
22 than 2,000,000 and is to be annexed into a school

1 district located overwhelmingly (meaning more than 75% of
2 its area) in a county of not less than 750,000 and not
3 more than 1,500,000, and, on the effective date of this
4 amendatory Act of the 92nd General Assembly, the
5 Territory consists of not more than 500 acres of which
6 not more than 325 acres is vacant land and of which not
7 more than 175 acres is either platted for or improved
8 with residences and is located predominately (meaning
9 more than 50% of its area) within one municipality that
10 is (i) located predominantly (meaning more than 50% of
11 the area of the municipality) outside the elementary or
12 high school district from which the Territory is to be
13 detached and (ii) located partly or wholly within the
14 territorial boundaries of the adjoining elementary or
15 high school district to which the Territory is to be
16 annexed. Conclusive proof of the boundaries of each
17 school district and each municipality is a document or
18 documents setting forth the boundaries and certified by
19 the county clerk of each county as being a correct copy
20 of records on file with the county clerk as of a date not
21 more than 60 days before the filing of a petition under
22 this Section. If the records of the 2 county clerks show
23 boundaries as of different dates, those records are
24 deemed contemporaneous for purposes of this Section.

25 (2) The equalized assessed valuation of the taxable
26 property of the Territory constitutes less than 5% of
27 the equalized assessed valuation of the taxable property
28 of the school district from which it is be detached.
29 Conclusive proof of the equalized assessed valuation of
30 each district is a document or documents stating the
31 equalized assessed valuation and certified, by the county
32 clerk of a county of not less than 2,000,000 and by the
33 county or township assessor in a county of not less than
34 750,000 and not more than 1,500,000, as correct by the

1 certifying office as of a date not more than 60 days
2 before the filing of a petition under this Section. If
3 the records from the 2 counties show equalized assessed
4 valuation as of different dates, those records are deemed
5 contemporaneous for purposes of this Section.

6 (3) The Territory is predominately (meaning more
7 than 50% of its area) within a municipality that is
8 predominantly (meaning more than 50% of the area of the
9 municipality) within a county of not less than 750,000
10 and not more than 1,500,000. Conclusive proof of
11 boundaries of the municipality is a document or
12 documents setting forth the boundaries and certified by
13 the county clerk of the county as correct as of a date
14 not more than 60 days before the filing of a petition
15 under this Section.

16 (4) The Territory, as of a date not more than 60
17 days before the filing of a petition, has not been
18 developed with structures for commercial, office, or
19 industrial uses, except for temporary buildings or
20 structures constructed pursuant to a permit or permits by
21 the applicable permitting authority for an initial term
22 of not more than 15 years. Conclusive proof of the
23 development of the land is a notarized statement, as of a
24 date not more than 60 days before the filing of a
25 petition under this Section, by a specially qualified
26 professional land surveyor licensed by the State of
27 Illinois. In this Section, "specially qualified
28 professional land surveyor" means a specially qualified
29 professional land surveyor whose credentials include
30 serving or having served as a paid advisor or consultant
31 to at least 2 of the following: any department, board,
32 commission, authority, or other agency of the State of
33 Illinois.

34 (5) The area of the Territory is 5% or less of the

1 area of the school district from which it is to be
2 detached. Conclusive proof of the areas is a notarized
3 written statement by a specially qualified professional
4 land surveyor licensed by the State of Illinois.

5 (6) Travel on public roads within 5 miles from the
6 Territory to schools in the school district from which
7 the Territory is to be detached requires crossing an
8 interstate highway. Travel on public roads within 5 miles
9 from the Territory to schools in the school district to
10 which the Territory is to be annexed does not require
11 crossing an interstate highway. Conclusive proof of the
12 facts in this paragraph (6) is a notarized written
13 statement by a specially qualified professional land
14 surveyor licensed by the State of Illinois.

15 (b) No school district may lose more than 5% of its
16 equalized assessed valuation nor more than 5% of its
17 territory through petitions filed under this Section. If a
18 petition seeks to detach territory that would result in a
19 cumulative total of more than 5% of the district's equalized
20 assessed valuation or more than 5% of the district's
21 territory being detached under this Section, the petition
22 shall be denied without prejudice to its being filed pursuant
23 to Section 7-6 of this Code.

24 (c) Conclusive proof of the population of a county is
25 the most recent federal decennial census.

26 (d) A petition filed under this Section with respect to
27 the Territory must be filed with the State Superintendent of
28 Education at the office of the State Board of Education in
29 Springfield, Illinois not later than 24 months after the
30 effective date of this amendatory Act of the 92nd General
31 Assembly and (i) in the case of any portion of the Territory
32 not developed with residences, signed by or on behalf of the
33 taxpayers of record of properties constituting 60% or more of
34 the land not so developed and (ii) in the case of any portion

1 of the Territory developed by residences, signed by 60% or
2 more of registered voters residing in the residences.
3 Conclusive proof of who are the taxpayers of record is a
4 document certified by the assessor of the county or township
5 in which the property is located as of a date not more than
6 60 days before the filing of a petition under this Section.
7 Conclusive proof of who are registered voters is a document
8 certified by the board of election commissioners for the
9 county in which the registered voters reside as of a date not
10 earlier than 60 days before the filing of the petition.
11 Conclusive proof of the area of the Territory and the area of
12 properties within the Territory is a survey or notarized
13 statement, as of a date not more than 60 days before the
14 filing of the petition, by a specially qualified professional
15 land surveyor licensed by the State of Illinois.

16 (e) The State Superintendent of Education must (1) hold
17 a hearing on each petition at the office of the State Board
18 of Education in Springfield, Illinois within 90 days after
19 the date of filing; (2) render a decision granting or denying
20 the petition within 30 days after the hearing; and (3) within
21 14 days after the decision, serve a copy of the decision by
22 certified mail, return receipt requested, upon the
23 petitioners and upon the school boards of the school
24 districts from which the territory described in the petition
25 is sought to be detached and to which the territory is sought
26 to be annexed. If petitions are filed pertaining to an
27 elementary school district and a high school district
28 described in this Section, if the petitions pertain to land
29 not developed with residences, and if the 2 petitions are
30 filed within 28 days of each other, the petitions must be
31 consolidated for hearing and heard at the same hearing. If
32 petitions are filed pertaining to an elementary school
33 district and a high school district described in this
34 Section, if the petitions pertain to land developed with

1 residences, and if the petitions are filed within 28 days of
2 each other, the 2 petitions must be consolidated for hearing
3 and heard at the same hearing. If the State Superintendent of
4 Education does not serve a copy of the decision within the
5 time and in the manner required, any petitioner has the right
6 to obtain, in the circuit court of the county in which the
7 petition was filed, a mandamus requiring the State
8 Superintendent of Education to serve the decision immediately
9 to the parties in the manner required. Upon proof that the
10 State Superintendent of Education has not served the decision
11 to the parties or in the manner required, the circuit court
12 must immediately issue the order.

13 The State Superintendent of Education has no authority or
14 discretion to hear any evidence or consider any issues at the
15 hearing except those that may be necessary to determine
16 whether the conditions and limitations of this Section have
17 been met. If the State Superintendent of Education finds that
18 such conditions and limitations have been met, the State
19 Superintendent of Education must grant the petition.

20 The State Superintendent of Education must (i) give
21 written notice of the time and place of the hearing not less
22 than 30 days prior to the date of the hearing to the school
23 board of the school district from which the territory
24 described in the petition is to be detached and to the school
25 board of the school district to which the territory is to be
26 annexed and (ii) publish notice of the hearing in a newspaper
27 that is circulated within the county in which the territory
28 described in the petition is located and is circulated within
29 the school districts whose school boards are entitled to
30 notice.

31 (f) If the granting of a petition filed under this
32 Section has become final either through failure to seek
33 administrative review or by the final decision of a court on
34 review, the change in boundaries becomes effective forthwith

1 and for all purposes, except that if granting of the petition
2 becomes final between September 1 of any year and June 30 of
3 the following year, the administration of and attendance at
4 the schools are not affected until July 1 of the following
5 year, at which time the change becomes effective for all
6 purposes. After the granting of the petition becomes final,
7 the date when the change becomes effective for purposes of
8 administration and attendance may, in the case of land
9 improved with residences, be accelerated or postponed either
10 (i) by stipulation of the school boards of the school
11 districts from which the territory described in the petition
12 is detached and to which the territory is annexed or (ii) by
13 stipulation of the registered voters who signed the
14 petition. Their stipulation may be contained in the petition
15 or a separate document signed by them. Their stipulation must
16 be filed with the State Superintendent of Education not later
17 than 120 days after approval of their petition.

18 (g) The decision of the State Superintendent of
19 Education is a final "administrative decision" as defined in
20 Section 3-101 of the Code of Civil Procedure, and any
21 petitioner or the school board of the school district from
22 which the land is to be detached or of the school district to
23 which the land is to be annexed may, within 35 days after a
24 copy of the decision sought to be reviewed was served by
25 certified mail upon the affected party thereby or upon an
26 attorney of record for such party, apply for a review of the
27 decision in accordance with the Administrative Review Law and
28 the rules adopted pursuant to the Administrative Review Law.
29 Standing to apply for or in any manner seek review of the
30 decision is limited exclusively to a petitioner or school
31 district described in this Section.

32 The commencement of any action for review operates as a
33 supersedeas, and no further proceedings are allowed until
34 final disposition of the review. The circuit court of the

1 county in which the petition is filed with the State
2 Superintendent of Education has sole jurisdiction to
3 entertain a complaint for review.

4 (h) This Section (i) is not limited by and operates
5 independently of all other provisions of this Article and
6 (ii) constitutes complete authority for the granting or
7 denial by the State Superintendent of Education of a
8 petition filed under this Section when the conditions
9 prescribed by this Section for the filing of that petition
10 are met or not met as the case may be.

11 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

12 Sec. 10-21.9. Criminal background investigations.

13 (a) Except as otherwise provided in subsection (a-5) of
14 this Section After-August-17-1985, certified and noncertified
15 applicants for employment with a school district, (except
16 school bus driver applicants) and, if the school district so
17 requires, student teachers assigned to the district, are
18 required, as a condition of employment or student teaching in
19 that district, to authorize an investigation to determine if
20 such applicants or student teachers have been convicted of
21 any of the enumerated criminal or drug offenses in subsection
22 (c) of this Section or have been convicted, within 7 years of
23 the application for employment with the school district or of
24 being assigned as a student teacher to that 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
29 of this State. Authorization for the investigation shall be
30 furnished by the applicant or student teacher to the school
31 district, except that if the applicant is a substitute
32 teacher seeking employment in more than one school district,
33 a teacher seeking concurrent part-time employment positions

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

1 Police Services Fund and shall not exceed the cost of the
2 inquiry; and the applicant or student teacher shall not be
3 charged a fee for such investigation by the school district
4 or by the regional superintendent. The regional
5 superintendent may seek reimbursement from the State Board of
6 Education or the appropriate school district or districts for
7 fees paid by the regional superintendent to the Department
8 for the criminal background investigations required by this
9 Section.

10 (a-5) If a school district requires a student teacher to
11 undergo a criminal background investigation under this
12 Section and, within 18 months after the investigation is
13 conducted, that former student teacher is hired as a
14 full-time employee with the school district, then the former
15 student teacher shall not be required to undergo another
16 criminal background investigation under this Section.

17 (b) The Department shall furnish, pursuant to positive
18 identification, records of convictions, until expunged, to
19 the president of the school board for the school district
20 which requested the investigation, or to the regional
21 superintendent who requested the investigation. Any
22 information concerning the record of convictions obtained by
23 the president of the school board or the regional
24 superintendent shall be confidential and may only be
25 transmitted to the superintendent of the school district or
26 his designee, the appropriate regional superintendent if the
27 investigation was requested by the school district, the
28 presidents of the appropriate 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 teacher in more
31 than one such district may rely on the certificate issued by
32 the regional superintendent to that applicant, or may
33 initiate its own investigation of the applicant through the
34 Department of State Police as provided in subsection (a). Any

1 person who releases any confidential information concerning
2 any criminal convictions of an applicant for employment or
3 student teacher shall be guilty of a Class A misdemeanor,
4 unless the release of such information is authorized by this
5 Section.

6 (c) No school board shall knowingly employ a person or
7 knowingly allow a person to student teach who has been
8 convicted for committing attempted first degree murder or for
9 committing or attempting to commit first degree murder or a
10 Class X felony or any one or more of the following offenses:
11 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
12 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
13 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
14 "Criminal Code of 1961"; (ii) those defined in the "Cannabis
15 Control Act" except those defined in Sections 4(a), 4(b) and
16 5(a) of that Act; (iii) those defined in the "Illinois
17 Controlled Substances Act"; and (iv) any offense committed or
18 attempted in any other state or against the laws of the
19 United States, which if committed or attempted in this State,
20 would have been punishable as one or more of the foregoing
21 offenses. Further, no school board shall knowingly employ a
22 person or knowingly allow a person to student teach who has
23 been found to be the perpetrator of sexual or physical abuse
24 of any minor under 18 years of age pursuant to proceedings
25 under Article II of the Juvenile Court Act of 1987. This
26 subsection (c) does not apply to a student teacher who is not
27 required by the school district to undergo a criminal
28 background investigation.

29 (d) No school board shall knowingly employ a person or
30 knowingly allow a person to student teach for whom a criminal
31 background investigation has not been initiated. This
32 subsection (d) does not apply to a student teacher who is not
33 required by the school district to undergo a criminal
34 background investigation.

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

8 (f) After January 1, 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
 16 and 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
 19 of any such school district, be responsible for receiving the
 20 authorization for investigation prepared by each such
 21 employee and submitting the same to the Department of State
 22 Police. Any information concerning the record of conviction
 23 of any such employee obtained by the regional superintendent
 24 shall be promptly reported to the president of the
 25 appropriate school board or school boards.

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

27 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

28 Sec. 34-18.5. Criminal background investigations.

29 (a) Except as otherwise provided in subsection (a-5) of
 30 this Section After-August-17-1985, certified and noncertified
 31 applicants for employment with the school district and, if
 32 the school district so requires, student teachers assigned to
 33 the district are required, as a condition of employment or

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

1 teacher or concurrent educational support personnel employee
2 that the investigation of the applicant has been requested.
3 The Department of State Police shall conduct an investigation
4 to ascertain if the applicant being considered for employment
5 or student teacher has been convicted of any of the
6 enumerated criminal or drug offenses in subsection (c) or has
7 been convicted, within 7 years of the application for
8 employment with the school district or of being assigned as a
9 student teacher to that district, of any other felony under
10 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. The Department shall charge the school district or
15 the appropriate regional superintendent a fee for conducting
16 such investigation, which fee shall be deposited in the State
17 Police Services Fund and shall not exceed the cost of the
18 inquiry; and the applicant or student teacher shall not be
19 charged a fee for such investigation by the school district
20 or by the regional superintendent. The regional
21 superintendent may seek reimbursement from the State Board of
22 Education or the appropriate school district or districts for
23 fees paid by the regional superintendent to the Department
24 for the criminal background investigations required by this
25 Section.

26 (a-5) If the school district requires a student teacher
27 to undergo a criminal background investigation under this
28 Section and, within 18 months after the investigation is
29 conducted, that former student teacher is hired as a
30 full-time employee with the school district, then the former
31 student teacher shall not be required to undergo another
32 criminal background investigation under this Section.

33 (b) The Department shall furnish, pursuant to positive
34 identification, records of convictions, until expunged, to

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

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

24 (c) The board of education shall not knowingly employ a
25 person or knowingly allow a person to student teach who has
26 been convicted for committing attempted first degree murder
27 or for committing or attempting to commit first degree murder
28 or a Class X felony or any one or more of the following
29 offenses: (i) those defined in Sections 11-6, 11-9, 11-14,
30 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
31 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16
32 of the Criminal Code of 1961; (ii) those defined in the
33 Cannabis Control Act, except those defined in Sections 4(a),
34 4(b) and 5(a) of that Act; (iii) those defined in the

1 Illinois Controlled Substances Act; and (iv) any offense
2 committed or attempted in any other state or against the laws
3 of the United States, which if committed or attempted in this
4 State, would have been punishable as one or more of the
5 foregoing offenses. Further, the board of education shall not
6 knowingly employ a person or knowingly allow a person to
7 student teach who has been found to be the perpetrator of
8 sexual or physical abuse of any minor under 18 years of age
9 pursuant to proceedings under Article II of the Juvenile
10 Court Act of 1987. This subsection (c) does not apply to a
11 student teacher who is not required by the school district to
12 undergo a criminal background investigation.

13 (d) The board of education shall not knowingly employ a
14 person or knowingly allow a person to student teach for whom
15 a criminal background investigation has not been initiated.
16 This subsection (d) does not apply to a student teacher who
17 is not required by the school district to undergo a criminal
18 background investigation.

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

25 (f) After March 19, 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 Section 99. Effective date. This Act takes effect upon
11 becoming law."