

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 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) In this Section:

10 "Contiguous" means having a common border of not less  
11 than 100 linear feet.

12 "Specially qualified professional land surveyor" means a  
13 professional land surveyor whose credentials include serving  
14 or having served as a paid advisor or consultant to at least  
15 2 of the following: any department, board, commission,  
16 authority, or other agency of the State of Illinois.

17 (b) Notwithstanding any other provision of this Code,  
18 any contiguous portion of an elementary school district must  
19 be detached from that district and annexed to an adjoining  
20 elementary school district to which the portion is also  
21 contiguous and any contiguous portion of a high school  
22 district must be detached from that district and annexed to  
23 an adjoining school district to which the portion is also  
24 contiguous (herein referred to as "the Territory") upon a  
25 petition or petitions filed under this Section if all of the  
26 following conditions are met with respect to each petition:

27 (1) The Territory is to be detached from a school  
28 district that is located predominantly (meaning more than  
29 50% of the district's area) in a county of not less  
30 than 2,000,000 and is to be annexed into a school  
31 district located overwhelmingly (meaning more than 75% of

1 its area) in a county of not less than 750,000 and not  
2 more than 1,500,000, and, on the effective date of this  
3 amendatory Act of the 93rd General Assembly, the  
4 Territory consists of not more than 500 acres of which  
5 not more than 300 acres is vacant land and of which not  
6 more than 200 acres is either platted for or improved  
7 with residences and is located predominately (meaning  
8 more than 50% of its area) within a municipality that is  
9 (i) located predominantly (meaning more than 50% of the  
10 area of the municipality) outside the elementary or high  
11 school district from which the Territory is to be  
12 detached and (ii) located partly or wholly within the  
13 territorial boundaries of the adjoining elementary or  
14 high school district to which the Territory is to be  
15 annexed. Conclusive proof of the boundaries of each  
16 school district and the municipality is a document or  
17 documents setting forth the boundaries and certified by  
18 the county clerk of each county or by the clerk of the  
19 municipality as being a correct copy of records on file  
20 with the county clerk or the clerk of the municipality as  
21 of a date not more than 60 days before the filing of a  
22 petition under this Section. If the records of the  
23 respective clerks show boundaries as of different dates,  
24 those records are deemed contemporaneous for purposes of  
25 this Section.

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

1 less than 750,000 and not more than 1,500,000, as correct  
2 by the certifying office as of a date not more than 60  
3 days before the filing of a petition under this Section.  
4 If the records from the 2 counties show equalized  
5 assessed valuation as of different dates, those records  
6 are deemed contemporaneous for purposes of this Section.

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

18 (4) The Territory, as of a date not more than 60  
19 days before the filing of a petition, has not been  
20 developed with structures for commercial, office, or  
21 industrial uses, except for temporary buildings or  
22 structures constructed pursuant to a permit or permits by  
23 the applicable permitting authority for an initial term  
24 of not more than 15 years. Conclusive proof of the  
25 development of the land is a notarized statement, as of a  
26 date not more than 60 days before the filing of a  
27 petition under this Section, by a specially qualified  
28 professional land surveyor licensed by the State of  
29 Illinois.

30 (5) The area of the Territory is 5% or less of the  
31 area of the school district from which it is to be  
32 detached. Conclusive proof of the areas is a notarized  
33 written statement by a specially qualified professional  
34 land surveyor licensed by the State of Illinois.

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

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

20           (d) Conclusive proof of the population of a county is  
21           the most recent federal decennial census.

22           (e) A petition filed under this Section with respect to  
23           the Territory must be filed with the regional board of school  
24           trustees of the county where the Territory is located (herein  
25           referred to as the Regional Board) at its regular offices not  
26           later than the 24 months after the effective date of this  
27           amendatory Act of the 93rd General Assembly and (i) in the  
28           case of any portion of the Territory not developed with  
29           residences, signed by or on behalf of the taxpayers of record  
30           of properties constituting 60% or more of the land not so  
31           developed and (ii) in the case of any portion of the  
32           Territory developed by residences, signed by 60% or more of  
33           registered voters residing in the residences. Conclusive  
34           proof of who are the taxpayers of record is a document

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

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

1 manner required, any petitioner has the right to obtain, in  
2 the circuit court of the county in which the petition was  
3 filed, a mandamus requiring the Regional Board to serve the  
4 decision immediately to the parties in the manner required.  
5 Upon proof that the Regional Board has not served the  
6 decision to the parties or in the manner required, the  
7 circuit court must immediately issue the order.

8 The Regional Board has no authority or discretion to hear  
9 any evidence or consider any issues at the hearing except  
10 those that may be necessary to determine whether the  
11 conditions and limitations of this Section have been met. If  
12 the Regional Board finds that such conditions and limitations  
13 have been met, the Regional Board must grant the petition.

14 The Regional Board must (i) give written notice of the  
15 time and place of the hearing not less than 30 days prior to  
16 the date of the hearing to the school board of the school  
17 district from which the territory described in the petition  
18 is to be detached and to the school board of the school  
19 district to which the territory is to be annexed and (ii)  
20 publish notice of the hearing in a newspaper that is  
21 circulated within the county in which the territory described  
22 in the petition is located and is circulated within the  
23 school districts whose school boards are entitled to notice.

24 (g) If the granting of a petition filed under this  
25 Section has become final either through failure to seek  
26 administrative review or by the final decision of a court on  
27 review, the change in boundaries becomes effective forthwith  
28 and for all purposes, except that if granting of the petition  
29 becomes final between September 1 of any year and June 30 of  
30 the following year, the administration of and attendance at  
31 the schools are not affected until July 1 of the following  
32 year, at which time the change becomes effective for all  
33 purposes. After the granting of the petition becomes final,  
34 the date when the change becomes effective for purposes of

1 administration and attendance may, in the case of land  
2 improved with residences, be accelerated or postponed either  
3 (i) by stipulation of the school boards of the school  
4 districts from which the territory described in the petition  
5 is detached and to which the territory is annexed or (ii) by  
6 stipulation of the registered voters who signed the  
7 petition. Their stipulation may be contained in the petition  
8 or a separate document signed by them. Their stipulation must  
9 be filed with the Regional Board not later than 120 days  
10 after approval of their petition. The parent or parents or  
11 the guardian of each student in the affected school districts  
12 shall have the right to have the student continue in the  
13 school that the student is currently attending until  
14 graduation from that school or a shorter period if requested.

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

28 The commencement of any action for review operates as a  
29 supersedeas, and no further proceedings are allowed until  
30 final disposition of the review. The circuit court of the  
31 county in which the petition is filed with the Regional Board  
32 has sole jurisdiction to entertain a complaint for review.

33 (i) This Section (i) is not limited by and operates  
34 independently of all other provisions of this Article and

1 (ii) constitutes complete authority for the granting or  
2 denial by the Regional Board of a petition filed under this  
3 Section when the conditions prescribed by this Section for  
4 the filing of that petition are met or not met as the case  
5 may be.

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

7 Sec. 10-21.9. Criminal background investigations.

8 (a) Except as otherwise provided in subsection (a-5) of  
9 this Section After-August-17-1985, certified and noncertified  
10 applicants for employment with a school district, (except  
11 school bus driver applicants) and student teachers assigned  
12 to the district, are required, as a condition of employment  
13 or student teaching in that district, to authorize an  
14 investigation to determine if such applicants or student  
15 teachers have been convicted of any of the enumerated  
16 criminal or drug offenses in subsection (c) of this Section  
17 or have been convicted, within 7 years of the application for  
18 employment with the school district or of being assigned as a  
19 student teacher to that district, of any other felony under  
20 the laws of this State or of any offense committed or  
21 attempted in any other state or against the laws of the  
22 United States that, if committed or attempted in this State,  
23 would have been punishable as a felony under the laws of this  
24 State. Authorization for the investigation shall be furnished  
25 by the applicant or student teacher to the school district,  
26 except that if the applicant is a substitute teacher seeking  
27 employment in more than one school district, a teacher  
28 seeking concurrent part-time employment positions with more  
29 than one school district (as a reading specialist, special  
30 education teacher or otherwise), or an educational support  
31 personnel employee seeking employment positions with more  
32 than one district, any such district may require the  
33 applicant to furnish authorization for the investigation to



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

1 Education or the appropriate school district or districts for  
2 fees paid by the regional superintendent to the Department  
3 for the criminal background investigations required by this  
4 Section.

5 (a-5) If a student teacher has undergone a criminal  
6 background investigation under this Section and, within 18  
7 months after the investigation is conducted, that former  
8 student teacher is hired as a full-time employee with the  
9 school district, then the former student teacher shall not be  
10 required to undergo another criminal background investigation  
11 under this Section.

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

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

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

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

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

31 (f) After January 1, 1990 the provisions of this Section  
32 shall apply to all employees of persons or firms holding  
33 contracts with any school district including, but not limited  
34 to, food service workers, school bus drivers and other

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

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

16 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

17 Sec. 34-18.5. Criminal background investigations.

18 (a) Except as otherwise provided in subsection (a-5) of  
19 this Section After-August-17-1985, certified and noncertified  
20 applicants for employment with the school district and  
21 student teachers assigned to the district are required, as a  
22 condition of employment or student teaching in that district,  
23 to authorize an investigation to determine if such applicants  
24 or student teachers have been convicted of any of the  
25 enumerated criminal or drug offenses in subsection (c) of  
26 this Section or have been convicted, within 7 years of the  
27 application for employment with the school district or of  
28 being assigned as a student teacher to that district, of any  
29 other felony under the laws of this State or of any offense  
30 committed or attempted in any other state or against the laws  
31 of the United States that, if committed or attempted in this  
32 State, would have been punishable as a felony under the laws  
33 of this State. Authorization for the investigation shall be

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

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

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

21 (b) The Department shall furnish, pursuant to positive  
22 identification, records of convictions, until expunged, to  
23 the president of the board of education for the school  
24 district which requested the investigation, or to the  
25 regional superintendent who requested the investigation. Any  
26 information concerning the record of convictions obtained by  
27 the president of the board of education or the regional  
28 superintendent shall be confidential and may only be  
29 transmitted to the general superintendent of the school  
30 district or his designee, the appropriate regional  
31 superintendent if the investigation was requested by the  
32 board of education for the school district, the presidents of  
33 the appropriate board of education or school boards if the  
34 investigation was requested from the Department of State

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



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

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

33 (d) The board of education shall not knowingly employ a  
34 person or knowingly allow a person to student teach for whom

1 a criminal background investigation has not 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  
5 School Code, the board of education or the State  
6 Superintendent of Education shall initiate the certificate  
7 suspension and 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  
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 Section 90. The State Mandates Act is amended by adding  
28 Section 8.27 as follows:

29 (30 ILCS 805/8.27 new)

30 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6  
31 and 8 of this Act, no reimbursement by the State is required  
32 for the implementation of any mandate created by this

1 amendatory Act of the 93rd General Assembly.

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.