

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 a
11 fingerprint-based criminal history records check ~~an inquiry~~
12 pursuant to Section 10-21.9 or 34-18.5 of the School Code ~~to~~
13 ~~ascertain whether an applicant for employment in a school~~
14 ~~district has been convicted of any criminal or drug offenses~~
15 ~~enumerated in Section 10 21.9 or 34 18.5 of the School Code.~~
16 The Department shall furnish the conviction information to the
17 president of the school board of the school district that has
18 requested the information or, if the information was requested
19 by the regional superintendent, to that regional
20 superintendent.

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

24 Section 10. The School Code is amended by changing Sections
25 2-3.51.5, 10-21.9, 27A-5, and 34-18.5 as follows:

26 (105 ILCS 5/2-3.51.5)

27 Sec. 2-3.51.5. School Safety and Educational Improvement
28 Block Grant Program. To improve the level of education and
29 safety of students from kindergarten through grade 12 in school
30 districts. The State Board of Education is authorized to fund a

1 School Safety and Educational Improvement Block Grant Program.

2 (1) The program shall provide funding for school safety,
3 textbooks and software, teacher training and curriculum
4 development, school improvements, remediation programs under
5 subsection (a) of Section 2-3.64, school report cards under
6 Section 10-17a, and criminal history records checks ~~background~~
7 ~~investigations~~ under Sections 10-21.9 and 34-18.5. A school
8 district or laboratory school as defined in Section 18-8 or
9 18-8.05 is not required to file an application in order to
10 receive the categorical funding to which it is entitled under
11 this Section. Funds for the School Safety and Educational
12 Improvement Block Grant Program shall be distributed to school
13 districts and laboratory schools based on the prior year's best
14 3 months average daily attendance. The State Board of Education
15 shall promulgate rules and regulations necessary for the
16 implementation of this program.

17 (2) Distribution of moneys to school districts shall be
18 made in 2 semi-annual installments, one payment on or before
19 October 30, and one payment prior to April 30, of each fiscal
20 year.

21 (3) Grants under the School Safety and Educational
22 Improvement Block Grant Program shall be awarded provided there
23 is an appropriation for the program, and funding levels for
24 each district shall be prorated according to the amount of the
25 appropriation.

26 (Source: P.A. 90-548, eff. 1-1-98; 91-711, eff. 7-1-00.)

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

28 Sec. 10-21.9. Criminal history records checks ~~background~~
29 ~~investigations~~.

30 (a) Certified ~~After August 1, 1985, certified~~ and
31 noncertified applicants for employment with a school district,
32 except school bus driver applicants, are required as a
33 condition of employment to authorize a fingerprint-based
34 criminal history records check ~~an investigation~~ to determine if
35 such applicants have been convicted of any of the enumerated

1 criminal or drug offenses in subsection (c) of this Section or
2 have been convicted, within 7 years of the application for
3 employment with the school district, of any other felony under
4 the laws of this State or of any offense committed or attempted
5 in any other state or against the laws of the United States
6 that, if committed or attempted in this State, would have been
7 punishable as a felony under the laws of this State.
8 Authorization for the check investigation shall be furnished by
9 the applicant to the school district, except that if the
10 applicant is a substitute teacher seeking employment in more
11 than one school district, a teacher seeking concurrent
12 part-time employment positions with more than one school
13 district (as a reading specialist, special education teacher or
14 otherwise), or an educational support personnel employee
15 seeking employment positions with more than one district, any
16 such district may require the applicant to furnish
17 authorization for the check 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 applicant's name, sex, race, date of birth, ~~and~~
25 social security number, fingerprint images, and other
26 identifiers, as prescribed by ~~to~~ the Department of State
27 Police, ~~to on forms prescribed by~~ the Department. The regional
28 superintendent submitting the requisite information to the
29 Department of State Police shall promptly notify the school
30 districts in which the applicant is seeking employment as a
31 substitute or concurrent part-time teacher or concurrent
32 educational support personnel employee that the check
33 ~~investigation~~ of the applicant has been requested. The
34 Department of State Police and the Federal Bureau of
35 Investigation shall furnish, pursuant to a fingerprint-based
36 criminal history records check, records of convictions, until

1 expunged, to the president of the school board for the school
2 district that requested the check, or to the regional
3 superintendent who requested the check. ~~Department of State~~
4 ~~Police shall conduct a search of the Illinois criminal history~~
5 ~~records database to ascertain if the applicant being considered~~
6 ~~for employment has been convicted of committing or attempting~~
7 ~~to commit any of the enumerated criminal or drug offenses in~~
8 ~~subsection (c) or has been convicted of committing or~~
9 ~~attempting to commit, within 7 years of the application for~~
10 ~~employment with the school district, any other felony under the~~
11 ~~laws of this State or of any offense committed or attempted in~~
12 ~~any other state or against the laws of the United States that,~~
13 ~~if committed or attempted in this State, would have been~~
14 ~~punishable as a felony under the laws of this State.~~ The
15 Department shall charge the school district or the appropriate
16 regional superintendent a fee for conducting such check
17 investigation, which fee shall be deposited in the State Police
18 Services Fund and shall not exceed the cost of the inquiry; and
19 the applicant shall not be charged a fee for such check
20 investigation by the school district or by the regional
21 superintendent. Subject to appropriations for these purposes,
22 the State Superintendent of Education shall reimburse school
23 districts and regional superintendents for fees paid to obtain
24 criminal history records checks under this Section. ~~The~~
25 ~~regional superintendent may seek reimbursement from the State~~
26 ~~Board of Education or the appropriate school district or~~
27 ~~districts for fees paid by the regional superintendent to the~~
28 ~~Department for the criminal background investigations required~~
29 ~~by this Section.~~

30 (b) ~~If the search of the Illinois criminal history records~~
31 ~~database indicates that the applicant has been convicted of~~
32 ~~committing or attempting to commit any of the enumerated~~
33 ~~criminal or drug offenses in subsection (c) or has been~~
34 ~~convicted of committing or attempting to commit, within 7 years~~
35 ~~before the application for employment with the school district,~~
36 ~~any other felony under the laws of this State, the Department~~

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

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

20 (c) No school board shall knowingly employ a person who has
21 been convicted for committing attempted first degree murder or
22 for committing or attempting to commit first degree murder or a
23 Class X felony or any one or more of the following offenses:
24 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
25 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
26 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
27 "Criminal Code of 1961"; (ii) those defined in the "Cannabis
28 Control Act" except those defined in Sections 4(a), 4(b) and
29 5(a) of that Act; (iii) those defined in the "Illinois
30 Controlled Substances Act"; and (iv) any offense committed or
31 attempted in any other state or against the laws of the United
32 States, which if committed or attempted in this State, would
33 have been punishable as one or more of the foregoing offenses.
34 Further, no school board shall knowingly employ a person who
35 has been found to be the perpetrator of sexual or physical
36 abuse of any minor under 18 years of age pursuant to

1 proceedings under Article II of the Juvenile Court Act of 1987.

2 (d) No school board shall knowingly employ a person for
3 whom a criminal history records check ~~background investigation~~
4 has not been initiated.

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

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

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

32 (105 ILCS 5/27A-5)

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

34 (a) A charter school shall be a public, nonsectarian,
35 nonreligious, non-home based, and non-profit school. A charter

1 school shall be organized and operated as a nonprofit
2 corporation or other discrete, legal, nonprofit entity
3 authorized under the laws of the State of Illinois.

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

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

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

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

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

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

34 (g) A charter school shall comply with all provisions of
35 this Article and its charter. A charter school is exempt from
36 all other State laws and regulations in the School Code

1 governing public schools and local school board policies,
2 except the following:

3 (1) Sections 10-21.9 and 34-18.5 of the School Code
4 regarding criminal history records checks ~~background~~
5 ~~investigations~~ of applicants for employment;

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

8 (3) The Local Governmental and Governmental Employees
9 Tort Immunity Act;

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

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

14 (6) The Illinois School Student Records Act; and

15 (7) Section 10-17a of the School Code regarding school
16 report cards.

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

1 grounds, and facilities. Any services for which a charter
2 school contracts with a school district shall be provided by
3 the district at cost. Any services for which a charter school
4 contracts with a local school board or with the governing body
5 of a State college or university or public community college
6 shall be provided by the public entity at cost.

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

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

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

19 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

20 Sec. 34-18.5. Criminal history records checks ~~background~~
21 ~~investigations~~.

22 (a) Certified ~~After August 1, 1985, certified~~ and
23 noncertified applicants for employment with the school
24 district are required as a condition of employment to authorize
25 a fingerprint-based criminal history records check ~~an~~
26 ~~investigation~~ to determine if such applicants have been
27 convicted of any of the enumerated criminal or drug offenses in
28 subsection (c) of this Section or have been convicted, within 7
29 years of the application for employment with the school
30 district, of any other felony under the laws of this State or
31 of any offense committed or attempted in any other state or
32 against the laws of the United States that, if committed or
33 attempted in this State, would have been punishable as a felony
34 under the laws of this State. Authorization for the check
35 ~~investigation~~ shall be furnished by the applicant to the school

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

1 ~~district, any other felony under the laws of this State.~~ The
2 Department shall charge the school district or the appropriate
3 regional superintendent a fee for conducting such check
4 investigation, which fee shall be deposited in the State Police
5 Services Fund and shall not exceed the cost of the inquiry; and
6 the applicant shall not be charged a fee for such check
7 investigation by the school district or by the regional
8 superintendent. Subject to appropriations for these purposes,
9 the State Superintendent of Education shall reimburse the
10 school district and regional superintendent for fees paid to
11 obtain criminal history records checks under this Section. ~~The~~
12 ~~regional superintendent may seek reimbursement from the State~~
13 ~~Board of Education or the appropriate school district or~~
14 ~~districts for fees paid by the regional superintendent to the~~
15 ~~Department for the criminal background investigations required~~
16 ~~by this Section.~~

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

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

1 the certificate issued by the regional superintendent to that
2 applicant, or may initiate its own criminal history records
3 check investigation of the applicant through the Department of
4 State Police as provided in subsection (a). Any person who
5 releases any confidential information concerning any criminal
6 convictions of an applicant for employment shall be guilty of a
7 Class A misdemeanor, unless the release of such information is
8 authorized by this Section.

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

28 (d) The board of education shall not knowingly employ a
29 person for whom a criminal history records check ~~background~~
30 ~~investigation~~ has not been initiated.

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

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

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

21 Section 15. The Juvenile Court Act of 1987 is amended by
22 changing Section 2-21 as follows:

23 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

24 Sec. 2-21. Findings and adjudication.

25 (1) The court shall state for the record the manner in
26 which the parties received service of process and shall note
27 whether the return or returns of service, postal return receipt
28 or receipts for notice by certified mail, or certificate or
29 certificates of publication have been filed in the court
30 record. The court shall enter any appropriate orders of default
31 against any parent who has been properly served in any manner
32 and fails to appear.

33 No further service of process as defined in Sections 2-15
34 and 2-16 is required in any subsequent proceeding for a parent

1 who was properly served in any manner, except as required by
2 Supreme Court Rule 11.

3 The caseworker shall testify about the diligent search
4 conducted for the parent.

5 After hearing the evidence the court shall determine
6 whether or not the minor is abused, neglected, or dependent. If
7 it finds that the minor is not such a person, the court shall
8 order the petition dismissed and the minor discharged. The
9 court's determination of whether the minor is abused,
10 neglected, or dependent shall be stated in writing with the
11 factual basis supporting that determination.

12 If the court finds that the minor is abused, neglected, or
13 dependent, the court shall then determine and put in writing
14 the factual basis supporting that determination, and specify,
15 to the extent possible, the acts or omissions or both of each
16 parent, guardian, or legal custodian that form the basis of the
17 court's findings. That finding shall appear in the order of the
18 court.

19 If the court finds that the child has been abused,
20 neglected or dependent, the court shall admonish the parents
21 that they must cooperate with the Department of Children and
22 Family Services, comply with the terms of the service plan, and
23 correct the conditions that require the child to be in care, or
24 risk termination of parental rights.

25 If the court determines that a person has inflicted
26 physical or sexual abuse upon a minor, the court shall report
27 that determination to the Department of State Police, which
28 shall include that information in its report to the President
29 of the school board for a school district that requests a
30 criminal history records check ~~background investigation~~ of
31 that person, or the regional superintendent of schools who
32 requests a check of that person, as required under Section
33 10-21.9 or 34-18.5 of the School Code.

34 (2) If, pursuant to subsection (1) of this Section, the
35 court determines and puts in writing the factual basis
36 supporting the determination that the minor is either abused or

1 neglected or dependent, the court shall then set a time not
2 later than 30 days after the entry of the finding for a
3 dispositional hearing (unless an earlier date is required
4 pursuant to Section 2-13.1) to be conducted under Section 2-22
5 at which hearing the court shall determine whether it is
6 consistent with the health, safety and best interests of the
7 minor and the public that he be made a ward of the court. To
8 assist the court in making this and other determinations at the
9 dispositional hearing, the court may order that an
10 investigation be conducted and a dispositional report be
11 prepared concerning the minor's physical and mental history and
12 condition, family situation and background, economic status,
13 education, occupation, history of delinquency or criminality,
14 personal habits, and any other information that may be helpful
15 to the court. The dispositional hearing may be continued once
16 for a period not to exceed 30 days if the court finds that such
17 continuance is necessary to complete the dispositional report.

18 (3) The time limits of this Section may be waived only by
19 consent of all parties and approval by the court, as determined
20 to be consistent with the health, safety and best interests of
21 the minor.

22 (4) For all cases adjudicated prior to July 1, 1991, for
23 which no dispositional hearing has been held prior to that
24 date, a dispositional hearing under Section 2-22 shall be held
25 within 90 days of July 1, 1991.

26 (5) The court may terminate the parental rights of a parent
27 at the initial dispositional hearing if all of the following
28 conditions are met:

29 (i) the original or amended petition contains a request
30 for termination of parental rights and appointment of a
31 guardian with power to consent to adoption; and

32 (ii) the court has found by a preponderance of
33 evidence, introduced or stipulated to at an adjudicatory
34 hearing, that the child comes under the jurisdiction of the
35 court as an abused, neglected, or dependent minor under
36 Section 2-18; and

1 (iii) the court finds, on the basis of clear and
2 convincing evidence admitted at the adjudicatory hearing
3 that the parent is an unfit person under subdivision D of
4 Section 1 of the Adoption Act; and

5 (iv) the court determines in accordance with the rules
6 of evidence for dispositional proceedings, that:

7 (A) it is in the best interest of the minor and
8 public that the child be made a ward of the court;

9 (A-5) reasonable efforts under subsection (1-1) of
10 Section 5 of the Children and Family Services Act are
11 inappropriate or such efforts were made and were
12 unsuccessful; and

13 (B) termination of parental rights and appointment
14 of a guardian with power to consent to adoption is in
15 the best interest of the child pursuant to Section
16 2-29.

17 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A.
18 90-443); 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-443, eff.
19 8-16-97; 90-566, eff. 1-2-98; 90-608, eff. 6-30-98.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.