



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3451

Introduced 2/23/2005, by Rep. Patricia R. Bellock - Bob Biggins

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-325	was 20 ILCS 2605/55a in part
105 ILCS 5/2-3.51.5	
105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
105 ILCS 5/27A-5	
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5
730 ILCS 152/123 new	

Amends the School Code and the Department of State Police Law of the Civil Administrative Code. Provides that in addition to fingerprint-based criminal history records checks, the Department of State Police, at the request of a school board or regional superintendent, shall conduct sex offender registration data checks and orders of protection records checks on applicants for employment with a school district, and requires applicants to have these checks performed. Amends the Sex Offender and Child Murderer Community Notification Law to provide for the sex offender registration data check, which shall include the release of the name, address, date of birth, and offense or adjudication of a sex offender required to register under the Sex Offender Registration Act to the president of a school board or a regional superintendent. Effective immediately.

LRB094 09221 RAS 39455 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

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, sex offender registration, and  
9 order of protection information for school board or regional  
10 superintendent. On request of a school board or regional  
11 superintendent of schools, to conduct a fingerprint-based  
12 criminal history records check, a check of sex offender  
13 registration data, as authorized by the Sex Offender and Child  
14 Murderer Community Notification Law, and a check of all valid  
15 and recorded orders of protection issued under the Illinois  
16 Domestic Violence Act of 1986 pursuant to Section 10-21.9 or  
17 34-18.5 of the School Code. The Department shall furnish the  
18 conviction, sex offender registration, and order of protection  
19 information to the president of the school board of the school  
20 district that has requested the information or, if the  
21 information was requested by the regional superintendent, to  
22 that regional superintendent.

23 (Source: P.A. 93-909, eff. 8-12-04.)

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, sex  
7 offender registration data checks, and orders of protection  
8 records checks under Sections 10-21.9 and 34-18.5. A school  
9 district or laboratory school as defined in Section 18-8 or  
10 18-8.05 is not required to file an application in order to  
11 receive the categorical funding to which it is entitled under  
12 this Section. Funds for the School Safety and Educational  
13 Improvement Block Grant Program shall be distributed to school  
14 districts and laboratory schools based on the prior year's best  
15 3 months average daily attendance. The State Board of Education  
16 shall promulgate rules and regulations necessary for the  
17 implementation of this program.

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

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

27 (Source: P.A. 93-909, eff. 8-12-04.)

28 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

29 Sec. 10-21.9. Criminal history records checks, sex  
30 offender registration data checks, and orders of protection  
31 records checks.

32 (a) Certified and noncertified applicants for employment  
33 with a school district, except school bus driver applicants,  
34 are required as a condition of employment to authorize a  
35 fingerprint-based criminal history records check to determine

1 if such applicants have been convicted of any of the enumerated  
2 criminal or drug offenses in subsection (c) of this Section or  
3 have been convicted, within 7 years of the application for  
4 employment with the school district, of any other felony under  
5 the laws of this State or of any offense committed or attempted  
6 in any other state or against the laws of the United States  
7 that, if committed or attempted in this State, would have been  
8 punishable as a felony under the laws of this State. An  
9 applicant must also authorize a check of sex offender  
10 registration data, as authorized by the Sex Offender and Child  
11 Murderer Community Notification Law, to determine if he or she  
12 has ever been required to register as a sex offender under the  
13 Sex Offender Registration Act, and a check of all valid and  
14 recorded orders of protection issued under the Illinois  
15 Domestic Violence Act of 1986 to determine if an order of  
16 protection has ever been filed against an applicant.  
17 Authorization for each ~~the~~ check shall be furnished by the  
18 applicant to the school district, except that if the applicant  
19 is a substitute teacher seeking employment in more than one  
20 school district, a teacher seeking concurrent part-time  
21 employment positions with more than one school district (as a  
22 reading specialist, special education teacher or otherwise),  
23 or an educational support personnel employee seeking  
24 employment positions with more than one district, any such  
25 district may require the applicant to furnish authorization for  
26 each ~~the~~ check to the regional superintendent of the  
27 educational service region in which are located the school  
28 districts in which the applicant is seeking employment as a  
29 substitute or concurrent part-time teacher or concurrent  
30 educational support personnel employee. Upon receipt of this  
31 authorization, the school district or the appropriate regional  
32 superintendent, as the case may be, shall submit the  
33 applicant's name, sex, race, date of birth, social security  
34 number, fingerprint images, and other identifiers, as  
35 prescribed by the Department of State Police, to the  
36 Department. The regional superintendent submitting the

1 requisite information to the Department of State Police shall  
2 promptly notify the school districts in which the applicant is  
3 seeking employment as a substitute or concurrent part-time  
4 teacher or concurrent educational support personnel employee  
5 that each ~~the~~ check of the applicant has been requested. The  
6 Department of State Police and the Federal Bureau of  
7 Investigation shall furnish, pursuant to a fingerprint-based  
8 criminal history records check, records of convictions, until  
9 expunged, to the president of the school board for the school  
10 district that requested the criminal history records check, or  
11 to the regional superintendent who requested the check. The  
12 Department of State Police shall furnish, pursuant to the Sex  
13 Offender and Child Murderer Community Notification Law, any  
14 record of an applicant's registration or of an applicant being  
15 required to register under Section 3 of the Sex Offender  
16 Registration Act to the president of the school board for the  
17 school district that requested the sex offender registration  
18 data check, or to the regional superintendent who requested the  
19 check. The Department of State Police shall furnish, pursuant  
20 to a check of the Law Enforcement Automated Data System,  
21 records of all valid and recorded orders of protection issued  
22 under the Illinois Domestic Violence Act of 1986 to the  
23 president of the school board for the school district that  
24 requested the orders of protection records check, or to the  
25 regional superintendent who requested the check. The  
26 Department shall charge the school district or the appropriate  
27 regional superintendent a fee for conducting each ~~such~~ check,  
28 which fee shall be deposited in the State Police Services Fund  
29 and shall not exceed the cost of the inquiry; and the applicant  
30 shall not be charged a fee for any ~~such~~ check by the school  
31 district or by the regional superintendent. Subject to  
32 appropriations for these purposes, the State Superintendent of  
33 Education shall reimburse school districts and regional  
34 superintendents for fees paid to obtain criminal history  
35 records checks, sex offender registration data checks, and  
36 orders of protection records checks under this Section.

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

1 with the school district, of any other felony under the laws of  
2 this State or of any offense committed or attempted in any  
3 other state or against the laws of the United States that, if  
4 committed or attempted in this State, would have been  
5 punishable as a felony under the laws of this State, has not  
6 been required to register as a sex offender under the Sex  
7 Offender Registration Act, and has not had an order of  
8 protection filed against him or her. The school board of any  
9 school district located in the educational service region  
10 served by the regional superintendent who issues such a  
11 certificate to an applicant for employment as a substitute  
12 teacher in more than one such district may rely on the  
13 certificate issued by the regional superintendent to that  
14 applicant, or may initiate its own criminal history records,   
15 sex offender registration data, or orders of protection records  
16 check of the applicant through the Department of State Police  
17 as provided in subsection (a). Any person who releases any  
18 confidential information concerning any criminal convictions,   
19 sex offender registration, or orders of protection of an  
20 applicant for employment shall be guilty of a Class A  
21 misdemeanor, unless the release of such information is  
22 authorized by this Section.

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

1 Further, no school board shall knowingly employ a person who  
2 has been found to be the perpetrator of sexual or physical  
3 abuse of any minor under 18 years of age pursuant to  
4 proceedings under Article II of the Juvenile Court Act of 1987.

5 (d) No school board shall knowingly employ a person for  
6 whom a criminal history records check, a sex offender  
7 registration data check, and an orders of protection records  
8 check has not been initiated.

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

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

36 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04.)



1 (105 ILCS 5/27A-5)

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

3 (a) A charter school shall be a public, nonsectarian,  
4 nonreligious, non-home based, and non-profit school. A charter  
5 school shall be organized and operated as a nonprofit  
6 corporation or other discrete, legal, nonprofit entity  
7 authorized under the laws of the State of Illinois.

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

11 Beginning on the effective date of this amendatory Act of the  
12 93rd General Assembly, in all new applications submitted to the  
13 State Board or a local school board to establish a charter  
14 school in a city having a population exceeding 500,000,  
15 operation of the charter school shall be limited to one campus.  
16 The changes made to this Section by this amendatory Act of the  
17 93rd General Assembly do not apply to charter schools existing  
18 or approved on or before the effective date of this amendatory  
19 Act.

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

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

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

32 (f) A charter school shall be responsible for the  
33 management and operation of its fiscal affairs including, but  
34 not limited to, the preparation of its budget. An audit of each  
35 charter school's finances shall be conducted annually by an

1 outside, independent contractor retained by the charter  
2 school.

3 (g) A charter school shall comply with all provisions of  
4 this Article and its charter. A charter school is exempt from  
5 all other State laws and regulations in the School Code  
6 governing public schools and local school board policies,  
7 except the following:

8 (1) Sections 10-21.9 and 34-18.5 of the School Code  
9 regarding criminal history records checks, sex offender  
10 registration data checks, and orders of protection records  
11 checks of applicants for employment;

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

14 (3) The Local Governmental and Governmental Employees  
15 Tort Immunity Act;

16 (4) Section 108.75 of the General Not For Profit  
17 Corporation Act of 1986 regarding indemnification of  
18 officers, directors, employees, and agents;

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

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

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

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

1 manage or operate the school during the period that commences  
2 on the effective date of this amendatory Act of the 93rd  
3 General Assembly and concludes at the end of the 2004-2005  
4 school year. Except as provided in subsection (i) of this  
5 Section, a school district may charge a charter school  
6 reasonable rent for the use of the district's buildings,  
7 grounds, and facilities. Any services for which a charter  
8 school contracts with a school district shall be provided by  
9 the district at cost. Any services for which a charter school  
10 contracts with a local school board or with the governing body  
11 of a State college or university or public community college  
12 shall be provided by the public entity at cost.

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

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

24 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04.)

25 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

26 Sec. 34-18.5. Criminal history records checks, sex  
27 offender registration data checks, and orders of protection  
28 records checks.

29 (a) Certified and noncertified applicants for employment  
30 with the school district are required as a condition of  
31 employment to authorize a fingerprint-based criminal history  
32 records check to determine if such applicants have been  
33 convicted of any of the enumerated criminal or drug offenses in  
34 subsection (c) of this Section or have been convicted, within 7  
35 years of the application for employment with the school

1 district, of any other felony under the laws of this State or  
2 of any offense committed or attempted in any other state or  
3 against the laws of the United States that, if committed or  
4 attempted in this State, would have been punishable as a felony  
5 under the laws of this State. An applicant must also authorize  
6 a check of sex offender registration data, as authorized by the  
7 Sex Offender and Child Murderer Community Notification Law, to  
8 determine if he or she has ever been required to register as a  
9 sex offender under the Sex Offender Registration Act, and a  
10 check of all valid and recorded orders of protection issued  
11 under the Illinois Domestic Violence Act of 1986 to determine  
12 if an order of protection has ever been filed against an  
13 applicant. Authorization for each ~~the~~ check shall be furnished  
14 by the applicant to the school district, except that if the  
15 applicant is a substitute teacher seeking employment in more  
16 than one school district, or a teacher seeking concurrent  
17 part-time employment positions with more than one school  
18 district (as a reading specialist, special education teacher or  
19 otherwise), or an educational support personnel employee  
20 seeking employment positions with more than one district, any  
21 such district may require the applicant to furnish  
22 authorization for each ~~the~~ check to the regional superintendent  
23 of the educational service region in which are located the  
24 school districts in which the applicant is seeking employment  
25 as a substitute or concurrent part-time teacher or concurrent  
26 educational support personnel employee. Upon receipt of this  
27 authorization, the school district or the appropriate regional  
28 superintendent, as the case may be, shall submit the  
29 applicant's name, sex, race, date of birth, social security  
30 number, fingerprint images, and other identifiers, as  
31 prescribed by the Department of State Police, to the  
32 Department. The regional superintendent submitting the  
33 requisite information to the Department of State Police shall  
34 promptly notify the school districts in which the applicant is  
35 seeking employment as a substitute or concurrent part-time  
36 teacher or concurrent educational support personnel employee

1 that each ~~the~~ check of the applicant has been requested. The  
2 Department of State Police and the Federal Bureau of  
3 Investigation shall furnish, pursuant to a fingerprint-based  
4 criminal history records check, records of convictions, until  
5 expunged, to the president of the school board for the school  
6 district that requested the criminal history records check, or  
7 to the regional superintendent who requested the check. The  
8 Department of State Police shall furnish, pursuant to the Sex  
9 Offender and Child Murderer Community Notification Law, any  
10 record of an applicant's registration or of an applicant being  
11 required to register under Section 3 of the Sex Offender  
12 Registration Act to the president of the school board for the  
13 school district that requested the sex offender registration  
14 data check, or to the regional superintendent who requested the  
15 check. The Department of State Police shall furnish, pursuant  
16 to a check of the Law Enforcement Automated Data System,  
17 records of all valid and recorded orders of protection issued  
18 under the Illinois Domestic Violence Act of 1986 to the  
19 president of the school board for the school district that  
20 requested the orders of protection records check, or to the  
21 regional superintendent who requested the check. The  
22 Department shall charge the school district or the appropriate  
23 regional superintendent a fee for conducting each ~~such~~ check,  
24 which fee shall be deposited in the State Police Services Fund  
25 and shall not exceed the cost of the inquiry; and the applicant  
26 shall not be charged a fee for any ~~such~~ check by the school  
27 district or by the regional superintendent. Subject to  
28 appropriations for these purposes, the State Superintendent of  
29 Education shall reimburse the school district and regional  
30 superintendent for fees paid to obtain criminal history records  
31 checks, sex offender registration data checks, and orders of  
32 protection records checks under this Section.

33 (b) Any information concerning the record of convictions,  
34 sex offender registration, or orders of protection obtained by  
35 the president of the board of education or the regional  
36 superintendent shall be confidential and may only be

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

1 other state or against the laws of the United States that, if  
2 committed or attempted in this State, would have been  
3 punishable as a felony under the laws of this State, has not  
4 been required to register as a sex offender under the Sex  
5 Offender Registration Act, and has not had an order of  
6 protection filed against him or her. The school board of any  
7 school district located in the educational service region  
8 served by the regional superintendent who issues such a  
9 certificate to an applicant for employment as a substitute or  
10 concurrent part-time teacher or concurrent educational support  
11 personnel employee in more than one such district may rely on  
12 the certificate issued by the regional superintendent to that  
13 applicant, or may initiate its own criminal history records,   
14 sex offender registration data, or orders of protection records  
15 check of the applicant through the Department of State Police  
16 as provided in subsection (a). Any person who releases any  
17 confidential information concerning any criminal convictions,   
18 sex offender registration, or orders of protection of an  
19 applicant for employment shall be guilty of a Class A  
20 misdemeanor, unless the release of such information is  
21 authorized by this Section.

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

1 knowingly employ a person who has been found to be the  
2 perpetrator of sexual or physical abuse of any minor under 18  
3 years of age pursuant to proceedings under Article II of the  
4 Juvenile Court Act of 1987.

5 (d) The board of education shall not knowingly employ a  
6 person for whom a criminal history records check, a sex  
7 offender registration data check, and an orders of protection  
8 records check has not been initiated.

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

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

35 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04.)



1 Section 15. The Sex Offender and Child Murderer Community  
2 Notification Law is amended by adding Section 123 as follows:

3 (730 ILCS 152/123 new)

4 Sec. 123. Sex offender registration data checks for school  
5 board or regional superintendent. Upon the request of a school  
6 board or regional superintendent of schools, the Department of  
7 State Police shall conduct a check of the Statewide Sex  
8 Offender Database pursuant to Section 10-21.9 or 34-18.5 of the  
9 School Code. The results of this check shall include the  
10 release by the Department of the name, address, date of birth,  
11 and offense or adjudication of a sex offender required to  
12 register under Section 3 of the Sex Offender Registration Act  
13 to the president of the school board of the school district  
14 that has requested the check or, if the check was requested by  
15 the regional superintendent, to the regional superintendent.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.