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LRB093 14762 NHT 47496 a

1 AMENDMENT TO HOUSE BILL 3977

2 AMENDMENT NO. _____. Amend House Bill 3977 by replacing
3 everything after the enacting clause with the following:

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.)

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

3 (105 ILCS 5/2-3.51.5)

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

9 (1) The program shall provide funding for school safety,
10 textbooks and software, teacher training and curriculum
11 development, school improvements, remediation programs under
12 subsection (a) of Section 2-3.64, school report cards under
13 Section 10-17a, and criminal history records checks ~~background~~
14 ~~investigations~~ under Sections 10-21.9 and 34-18.5. A school
15 district or laboratory school as defined in Section 18-8 or
16 18-8.05 is not required to file an application in order to
17 receive the categorical funding to which it is entitled under
18 this Section. Funds for the School Safety and Educational
19 Improvement Block Grant Program shall be distributed to school
20 districts and laboratory schools based on the prior year's best
21 3 months average daily attendance. The State Board of Education
22 shall promulgate rules and regulations necessary for the
23 implementation of this program.

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

28 (3) Grants under the School Safety and Educational
29 Improvement Block Grant Program shall be awarded provided there
30 is an appropriation for the program, and funding levels for
31 each district shall be prorated according to the amount of the
32 appropriation.

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

1 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

2 Sec. 10-21.9. Criminal history records checks ~~background~~
3 ~~investigations~~.

4 (a) Certified ~~After August 1, 1985, certified~~ and
5 noncertified applicants for employment with a school district,
6 except school bus driver applicants, are required as a
7 condition of employment to authorize a fingerprint-based
8 criminal history records check ~~an investigation~~ to determine if
9 such applicants have been convicted of any of the enumerated
10 criminal or drug offenses in subsection (c) of this Section or
11 have been convicted, within 7 years of the application for
12 employment with the school district, of any other felony under
13 the laws of this State or of any offense committed or attempted
14 in any other state or against the laws of the United States
15 that, if committed or attempted in this State, would have been
16 punishable as a felony under the laws of this State.
17 Authorization for the check ~~investigation~~ shall be furnished by
18 the applicant to the school district, except that if the
19 applicant is a substitute teacher seeking employment in more
20 than one school district, a teacher seeking concurrent
21 part-time employment positions with more than one school
22 district (as a reading specialist, special education teacher or
23 otherwise), or an educational support personnel employee
24 seeking employment positions with more than one district, any
25 such district may require the applicant to furnish
26 authorization for the check ~~investigation~~ to the regional
27 superintendent of the educational service region in which are
28 located the school districts in which the applicant is seeking
29 employment as a substitute or concurrent part-time teacher or
30 concurrent educational support personnel employee. Upon
31 receipt of this authorization, the school district or the
32 appropriate regional superintendent, as the case may be, shall
33 submit the applicant's name, sex, race, date of birth, ~~and~~

1 social security number, fingerprint images, and other
2 identifiers, as prescribed by ~~to~~ the Department of State
3 Police, ~~to on forms prescribed by~~ the Department. The regional
4 superintendent submitting the requisite information to the
5 Department of State Police shall promptly notify the school
6 districts in which the applicant is seeking employment as a
7 substitute or concurrent part-time teacher or concurrent
8 educational support personnel employee that the check
9 ~~investigation~~ of the applicant has been requested. The
10 Department of State Police and the Federal Bureau of
11 Investigation shall furnish, pursuant to a fingerprint-based
12 criminal history records check, records of convictions, until
13 expunged, to the president of the school board for the school
14 district that requested the check, or to the regional
15 superintendent who requested the check. ~~Department of State~~
16 ~~Police shall conduct a search of the Illinois criminal history~~
17 ~~records database to ascertain if the applicant being considered~~
18 ~~for employment has been convicted of committing or attempting~~
19 ~~to commit any of the enumerated criminal or drug offenses in~~
20 ~~subsection (c) or has been convicted of committing or~~
21 ~~attempting to commit, within 7 years of the application for~~
22 ~~employment with the school district, any other felony under the~~
23 ~~laws of this State or of any offense committed or attempted in~~
24 ~~any other state or against the laws of the United States that,~~
25 ~~if committed or attempted in this State, would have been~~
26 ~~punishable as a felony under the laws of this State.~~ The
27 Department shall charge the school district or the appropriate
28 regional superintendent a fee for conducting such check
29 ~~investigation~~, which fee shall be deposited in the State Police
30 Services Fund and shall not exceed the cost of the inquiry; and
31 the applicant shall not be charged a fee for such check
32 ~~investigation~~ by the school district or by the regional
33 superintendent. Subject to appropriations for these purposes,
34 the State Superintendent of Education shall reimburse school

1 districts and regional superintendents for fees paid to obtain
2 criminal history records checks under this Section. ~~The~~
3 ~~regional superintendent may seek reimbursement from the State~~
4 ~~Board of Education or the appropriate school district or~~
5 ~~districts for fees paid by the regional superintendent to the~~
6 ~~Department for the criminal background investigations required~~
7 ~~by this Section.~~

8 (b) ~~If the search of the Illinois criminal history records~~
9 ~~database indicates that the applicant has been convicted of~~
10 ~~committing or attempting to commit any of the enumerated~~
11 ~~criminal or drug offenses in subsection (c) or has been~~
12 ~~convicted of committing or attempting to commit, within 7 years~~
13 ~~before the application for employment with the school district,~~
14 ~~any other felony under the laws of this State, the Department~~
15 ~~and the Federal Bureau of Investigation shall furnish, pursuant~~
16 ~~to a fingerprint based background check, records of~~
17 ~~convictions, until expunged, to the president of the school~~
18 ~~board for the school district which requested the~~
19 ~~investigation, or to the regional superintendent who requested~~
20 ~~the investigation.~~ Any information concerning the record of
21 convictions obtained by the president of the school board or
22 the regional superintendent shall be confidential and may only
23 be transmitted to the superintendent of the school district or
24 his designee, the appropriate regional superintendent if the
25 check investigation was requested by the school district, the
26 presidents of the appropriate school boards if the check
27 investigation was requested from the Department of State Police
28 by the regional superintendent, the State Superintendent of
29 Education, the State Teacher Certification Board or any other
30 person necessary to the decision of hiring the applicant for
31 employment. A copy of the record of convictions obtained from
32 the Department of State Police shall be provided to the
33 applicant for employment. If a check an investigation of an
34 applicant for employment as a substitute or concurrent

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

1 authorized by this Section.

2 (c) No school board shall knowingly employ a person who has
3 been convicted for committing attempted first degree murder or
4 for 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 United
14 States, which if committed or attempted in this State, would
15 have been punishable as one or more of the foregoing offenses.
16 Further, no school board shall knowingly employ a person who
17 has been found to be the perpetrator of sexual or physical
18 abuse of any minor under 18 years of age pursuant to
19 proceedings under Article II of the Juvenile Court Act of 1987.

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

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

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

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

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

16 (105 ILCS 5/27A-5)

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

18 (a) A charter school shall be a public, nonsectarian,
19 nonreligious, non-home based, and non-profit school. A charter
20 school shall be organized and operated as a nonprofit
21 corporation or other discrete, legal, nonprofit entity
22 authorized under the laws of the State of Illinois.

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

26 Beginning on the effective date of this amendatory Act of the
27 93rd General Assembly, in all new applications submitted to the
28 State Board or a local school board to establish a charter
29 school in a city having a population exceeding 500,000,
30 operation of the charter school shall be limited to one campus.
31 The changes made to this Section by this amendatory Act of the
32 93rd General Assembly do not apply to charter schools existing
33 or approved on or before the effective date of this amendatory

1 Act.

2 (c) A charter school shall be administered and governed by
3 its board of directors or other governing body in the manner
4 provided in its charter. The governing body of a charter school
5 shall be subject to the Freedom of Information Act and the Open
6 Meetings Act.

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

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

14 (f) A charter school shall be responsible for the
15 management and operation of its fiscal affairs including, but
16 not limited to, the preparation of its budget. An audit of each
17 charter school's finances shall be conducted annually by an
18 outside, independent contractor retained by the charter
19 school.

20 (g) A charter school shall comply with all provisions of
21 this Article and its charter. A charter school is exempt from
22 all other State laws and regulations in the School Code
23 governing public schools and local school board policies,
24 except the following:

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

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

30 (3) The Local Governmental and Governmental Employees
31 Tort Immunity Act;

32 (4) Section 108.75 of the General Not For Profit
33 Corporation Act of 1986 regarding indemnification of
34 officers, directors, employees, and agents;

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

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

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

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

31 (i) In no event shall a charter school that is established
32 by converting an existing school or attendance center to
33 charter school status be required to pay rent for space that is
34 deemed available, as negotiated and provided in the charter

1 agreement, in school district facilities. However, all other
2 costs for the operation and maintenance of school district
3 facilities that are used by the charter school shall be subject
4 to negotiation between the charter school and the local school
5 board and shall be set forth in the charter.

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

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

9 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

10 Sec. 34-18.5. Criminal history records checks ~~background~~
11 ~~investigations~~.

12 (a) Certified ~~After August 1, 1985, certified~~ and
13 noncertified applicants for employment with the school
14 district are required as a condition of employment to authorize
15 a fingerprint-based criminal history records check ~~an~~
16 ~~investigation~~ to determine if such applicants have been
17 convicted of any of the enumerated criminal or drug offenses in
18 subsection (c) of this Section or have been convicted, within 7
19 years of the application for employment with the school
20 district, of any other felony under the laws of this State or
21 of any offense committed or attempted in any other state or
22 against the laws of the United States that, if committed or
23 attempted in this State, would have been punishable as a felony
24 under the laws of this State. Authorization for the check
25 ~~investigation~~ shall be furnished by the applicant to the school
26 district, except that if the applicant is a substitute teacher
27 seeking employment in more than one school district, or a
28 teacher seeking concurrent part-time employment positions with
29 more 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 than
32 one district, any such district may require the applicant to
33 furnish authorization for the check ~~investigation~~ to the

1 regional superintendent of the educational service region in
2 which are located the school districts in which the applicant
3 is seeking employment as a substitute or concurrent part-time
4 teacher or concurrent educational support personnel employee.
5 Upon receipt of this authorization, the school district or the
6 appropriate regional superintendent, as the case may be, shall
7 submit the applicant's name, sex, race, date of birth, ~~and~~
8 social security number, fingerprint images, and other
9 identifiers, as prescribed by ~~to~~ the Department of State
10 Police, to ~~on forms prescribed by~~ the Department. The regional
11 superintendent submitting the requisite information to the
12 Department of State Police shall promptly notify the school
13 districts in which the applicant is seeking employment as a
14 substitute or concurrent part-time teacher or concurrent
15 educational support personnel employee that the check
16 ~~investigation~~ of the applicant has been requested. The
17 Department of State Police and the Federal Bureau of
18 Investigation shall furnish, pursuant to a fingerprint-based
19 criminal history records check, records of convictions, until
20 expunged, to the president of the school board for the school
21 district that requested the check, or to the regional
22 superintendent who requested the check. ~~shall conduct a search~~
23 ~~of the Illinois Criminal history record information database to~~
24 ~~ascertain if the applicant being considered for employment has~~
25 ~~been convicted of committing or attempting to commit any of the~~
26 ~~enumerated criminal or drug offenses in subsection (c) or has~~
27 ~~been convicted of committing or attempting to commit, within 7~~
28 ~~years of the application for employment with the school~~
29 ~~district, any other felony under the laws of this State.~~ The
30 Department shall charge the school district or the appropriate
31 regional superintendent a fee for conducting such check
32 ~~investigation~~, which fee shall be deposited in the State Police
33 Services Fund and shall not exceed the cost of the inquiry; and
34 the applicant shall not be charged a fee for such check

1 ~~investigation~~ by the school district or by the regional
2 superintendent. Subject to appropriations for these purposes,
3 the State Superintendent of Education shall reimburse the
4 school district and regional superintendent for fees paid to
5 obtain criminal history records checks under this Section. ~~The~~
6 ~~regional superintendent may seek reimbursement from the State~~
7 ~~Board of Education or the appropriate school district or~~
8 ~~districts for fees paid by the regional superintendent to the~~
9 ~~Department for the criminal background investigations required~~
10 ~~by this Section.~~

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

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

1 ~~check investigation~~ of the applicant through the Department of
2 State Police as provided in subsection (a). Any person who
3 releases any confidential information concerning any criminal
4 convictions of an applicant for employment shall be guilty of a
5 Class A misdemeanor, unless the release of such information is
6 authorized by this Section.

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

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

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

1 No further service of process as defined in Sections 2-15
2 and 2-16 is required in any subsequent proceeding for a parent
3 who was properly served in any manner, except as required by
4 Supreme Court Rule 11.

5 The caseworker shall testify about the diligent search
6 conducted for the parent.

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

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

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

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

1 10-21.9 or 34-18.5 of the School Code.

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

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

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

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

33 (i) the original or amended petition contains a request
34 for termination of parental rights and appointment of a

1 guardian with power to consent to adoption; and

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

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

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

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

15 (A-5) reasonable efforts under subsection (1-1) of
16 Section 5 of the Children and Family Services Act are
17 inappropriate or such efforts were made and were
18 unsuccessful; and

19 (B) termination of parental rights and appointment
20 of a guardian with power to consent to adoption is in
21 the best interest of the child pursuant to Section
22 2-29.

23 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A.
24 90-443); 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-443, eff.
25 8-16-97; 90-566, eff. 1-2-98; 90-608, eff. 6-30-98.)

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