

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 School Code is amended by changing Sections
5 10-21.9, 27A-5, and 34-18.5 as follows:

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

7 Sec. 10-21.9. Criminal history records checks and checks of
8 the Statewide Sex Offender Database.

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

1 part-time teacher or concurrent educational support personnel
2 employee. Upon receipt of this authorization, the school
3 district or the appropriate regional superintendent, as the
4 case may be, shall submit the applicant's name, sex, race, date
5 of birth, social security number, fingerprint images, and other
6 identifiers, as prescribed by the Department of State Police,
7 to the Department. The regional superintendent submitting the
8 requisite information to the Department of State Police shall
9 promptly notify the school districts in which the applicant is
10 seeking employment as a substitute or concurrent part-time
11 teacher or concurrent educational support personnel employee
12 that the check of the applicant has been requested. The
13 Department of State Police and the Federal Bureau of
14 Investigation shall furnish, pursuant to a fingerprint-based
15 criminal history records check, records of convictions, until
16 expunged, to the president of the school board for the school
17 district that requested the check, or to the regional
18 superintendent who requested the check. The Department shall
19 charge the school district or the appropriate regional
20 superintendent a fee for conducting such check, which fee shall
21 be deposited in the State Police Services Fund and shall not
22 exceed the cost of the inquiry; and the applicant shall not be
23 charged a fee for such check by the school district or by the
24 regional superintendent. Subject to appropriations for these
25 purposes, the State Superintendent of Education shall
26 reimburse school districts and regional superintendents for
27 fees paid to obtain criminal history records checks under this
28 Section.

29 (a-5) The school district or regional superintendent shall
30 further perform a check of the Statewide Sex Offender Database,
31 as authorized by the Sex Offender and Child Murderer Community
32 Notification Law, for each applicant.

33 (b) Any information concerning the record of convictions
34 obtained by the president of the school board or the regional
35 superintendent shall be confidential and may only be
36 transmitted to the superintendent of the school district or his

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

1 against the laws of the United States that, if committed or
2 attempted in this State, would have been punishable as a felony
3 under the laws of this State and evidencing that as of the date
4 that the regional superintendent conducted a check of the
5 Statewide Sex Offender Database, the applicant has not been
6 identified in the Database as a sex offender. The school board
7 of any school district located in the educational service
8 region served by the regional superintendent who issues such a
9 certificate to an applicant for employment as a substitute
10 teacher in more than one such district may rely on the
11 certificate issued by the regional superintendent to that
12 applicant, or may initiate its own criminal history records
13 check of the applicant through the Department of State Police
14 and its own check of the Statewide Sex Offender Database as
15 provided in subsection (a). Any person who releases any
16 confidential information concerning any criminal convictions
17 of an 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 and a Statewide Sex
4 Offender Database check 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 and checks of the Statewide Sex
19 Offender Database on employees of persons or firms holding
20 contracts with more than one school district and assigned to
21 more than one school district, the regional superintendent of
22 the educational service region in which the contracting school
23 districts are located may, at the request of any such school
24 district, be responsible for receiving the authorization for a
25 criminal history records check prepared by each such employee
26 and submitting the same to the Department of State Police and
27 for conducting a check of the Statewide Sex Offender Database
28 for each employee. Any information concerning the record of
29 conviction and identification as a sex offender of any such
30 employee obtained by the regional superintendent shall be
31 promptly reported to the president of the appropriate school
32 board or school boards.

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

34 (105 ILCS 5/27A-5)

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

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

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

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

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

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

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

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

36 (g) A charter school shall comply with all provisions of

1 this Article and its charter. A charter school is exempt from
2 all other State laws and regulations in the School Code
3 governing public schools and local school board policies,
4 except the following:

5 (1) Sections 10-21.9 and 34-18.5 of the School Code
6 regarding criminal history records checks and checks of the
7 Statewide Sex Offender Database of applicants for
8 employment;

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

11 (3) The Local Governmental and Governmental Employees
12 Tort Immunity Act;

13 (4) Section 108.75 of the General Not For Profit
14 Corporation Act of 1986 regarding indemnification of
15 officers, directors, employees, and agents;

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

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

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

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

1 school year. Except as provided in subsection (i) of this
2 Section, a school district may charge a charter school
3 reasonable rent for the use of the district's buildings,
4 grounds, and facilities. Any services for which a charter
5 school contracts with a school district shall be provided by
6 the district at cost. Any services for which a charter school
7 contracts with a local school board or with the governing body
8 of a State college or university or public community college
9 shall be provided by the public entity at cost.

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

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

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

22 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

23 Sec. 34-18.5. Criminal history records checks and checks of
24 the Statewide Sex Offender Database.

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

1 under the laws of this State. Authorization for the check shall
2 be furnished by the applicant to the school district, except
3 that if the applicant is a substitute teacher seeking
4 employment in more than one school district, or a teacher
5 seeking concurrent part-time employment positions with more
6 than one school district (as a reading specialist, special
7 education teacher or otherwise), or an educational support
8 personnel employee seeking employment positions with more than
9 one district, any such district may require the applicant to
10 furnish authorization for the check to the regional
11 superintendent of the educational service region in which are
12 located the school districts in which the applicant is seeking
13 employment as a substitute or concurrent part-time teacher or
14 concurrent educational support personnel employee. Upon
15 receipt of this authorization, the school district or the
16 appropriate regional superintendent, as the case may be, shall
17 submit the applicant's name, sex, race, date of birth, social
18 security number, fingerprint images, and other identifiers, as
19 prescribed by the Department of State Police, to the
20 Department. The regional superintendent submitting the
21 requisite information to the Department of State Police shall
22 promptly notify the school districts in which the applicant is
23 seeking employment as a substitute or concurrent part-time
24 teacher or concurrent educational support personnel employee
25 that the check of the applicant has been requested. The
26 Department of State Police and the Federal Bureau of
27 Investigation shall furnish, pursuant to a fingerprint-based
28 criminal history records check, records of convictions, until
29 expunged, to the president of the school board for the school
30 district that requested the check, or to the regional
31 superintendent who requested the check. The Department shall
32 charge the school district or the appropriate regional
33 superintendent a fee for conducting such check, which fee shall
34 be deposited in the State Police Services Fund and shall not
35 exceed the cost of the inquiry; and the applicant shall not be
36 charged a fee for such check by the school district or by the

1 regional superintendent. Subject to appropriations for these
2 purposes, the State Superintendent of Education shall
3 reimburse the school district and regional superintendent for
4 fees paid to obtain criminal history records checks under this
5 Section.

6 (a-5) The school district or regional superintendent shall
7 further perform a check of the Statewide Sex Offender Database,
8 as authorized by the Sex Offender and Child Murderer Community
9 Notification Law, for each applicant.

10 (b) Any information concerning the record of convictions
11 obtained by the president of the board of education or the
12 regional superintendent shall be confidential and may only be
13 transmitted to the general superintendent of the school
14 district or his designee, the appropriate regional
15 superintendent if the check was requested by the board of
16 education for the school district, the presidents of the
17 appropriate board of education or school boards if the check
18 was requested from the Department of State Police by the
19 regional superintendent, the State Superintendent of
20 Education, the State Teacher Certification Board or any other
21 person necessary to the decision of hiring the applicant for
22 employment. A copy of the record of convictions obtained from
23 the Department of State Police shall be provided to the
24 applicant for employment. Upon the check of the Statewide Sex
25 Offender Database, the school district or regional
26 superintendent shall notify an applicant as to whether or not
27 the applicant has been identified in the Database as a sex
28 offender. If a check of an applicant for employment as a
29 substitute or concurrent part-time teacher or concurrent
30 educational support personnel employee in more than one school
31 district was requested by the regional superintendent, and the
32 Department of State Police upon a check ascertains that the
33 applicant has not been convicted of any of the enumerated
34 criminal or drug offenses in subsection (c) or has not been
35 convicted, within 7 years of the application for employment
36 with the school district, of any other felony under the laws of

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

36 (c) The board of education shall not knowingly employ a

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

19 (d) The board of education shall not knowingly employ a
20 person for whom a criminal history records check and a
21 Statewide Sex Offender Database check has not been initiated.

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

28 (f) After March 19, 1990, the provisions of this Section
29 shall apply to all employees of persons or firms holding
30 contracts with any school district including, but not limited
31 to, food service workers, school bus drivers and other
32 transportation employees, who have direct, daily contact with
33 the pupils of any school in such district. For purposes of
34 criminal history records checks and checks of the Statewide Sex
35 Offender Database on employees of persons or firms holding
36 contracts with more than one school district and assigned to

1 more than one school district, the regional superintendent of
2 the educational service region in which the contracting school
3 districts are located may, at the request of any such school
4 district, be responsible for receiving the authorization for a
5 criminal history records check prepared by each such employee
6 and submitting the same to the Department of State Police and
7 for conducting a check of the Statewide Sex Offender Database
8 for each employee. Any information concerning the record of
9 conviction and identification as a sex offender of any such
10 employee obtained by the regional superintendent shall be
11 promptly reported to the president of the appropriate school
12 board or school boards.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.