



Rep. Patricia R. Bellock

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09400HB3451ham001

LRB094 09221 RAS 43933 a

1 AMENDMENT TO HOUSE BILL 3451

2 AMENDMENT NO. _____. Amend House Bill 3451 by replacing
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Sections
6 10-21.9, 27A-5, and 34-18.5 as follows:

7 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

10 (a) Certified and noncertified applicants for employment
11 with a school district, except school bus driver applicants,
12 are required as a condition of employment to authorize a
13 fingerprint-based criminal history records check to determine
14 if such applicants have been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) of this Section or
16 have been convicted, within 7 years of the application for
17 employment with the school district, of any other felony under
18 the laws of this State or of any offense committed or attempted
19 in any other state or against the laws of the United States
20 that, if committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State.
22 Authorization for the check shall be furnished by the applicant
23 to the school district, except that if the applicant is a
24 substitute teacher seeking employment in more than one school

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

1 reimburse school districts and regional superintendents for
2 fees paid to obtain criminal history records checks under this
3 Section.

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

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

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

33 (c) No school board shall knowingly employ a person who has
34 been convicted for committing attempted first degree murder or

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

17 (d) No school board shall knowingly employ a person for
18 whom a criminal history records check and a Statewide Sex
19 Offender Database check has not been initiated.

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

27 (f) After January 1, 1990 the provisions of this Section
28 shall apply to all employees of persons or firms holding
29 contracts with any school district including, but not limited
30 to, food service workers, school bus drivers and other
31 transportation employees, who have direct, daily contact with
32 the pupils of any school in such district. For purposes of
33 criminal history records checks and checks of the Statewide Sex
34 Offender Database on employees of persons or firms holding

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

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

15 (105 ILCS 5/27A-5)

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

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

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

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

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

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

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

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

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

24 (1) Sections 10-21.9 and 34-18.5 of the School Code
25 regarding criminal history records checks and checks of the
26 Statewide Sex Offender Database of applicants for
27 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; 93-909, eff. 8-12-04.)

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

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

12 (a) Certified and noncertified applicants for employment
13 with the school district are required as a condition of
14 employment to authorize a fingerprint-based criminal history
15 records check to determine if such applicants have been
16 convicted of any of the enumerated criminal or drug offenses in
17 subsection (c) of this Section or have 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. Authorization for the check shall
24 be furnished by the applicant to the school district, except
25 that if the applicant is a substitute teacher seeking
26 employment in more than one school district, or a teacher
27 seeking concurrent part-time employment positions with more
28 than one school district (as a reading specialist, special
29 education teacher or otherwise), or an educational support
30 personnel employee seeking employment positions with more than
31 one district, any such district may require the applicant to
32 furnish authorization for the check to the regional
33 superintendent of the educational service region in which are

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

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

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

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

29 (c) The board of education shall not knowingly employ a
30 person who has been convicted for committing attempted first
31 degree murder or for committing or attempting to commit first
32 degree murder or a Class X felony or any one or more of the
33 following offenses: (i) those defined in Sections 11-6, 11-9,
34 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,

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

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

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

23 (f) After March 19, 1990, the provisions of this Section
24 shall apply to all employees of persons or firms holding
25 contracts with any school district including, but not limited
26 to, food service workers, school bus drivers and other
27 transportation employees, who have direct, daily contact with
28 the pupils of any school in such district. For purposes of
29 criminal history records checks and checks of the Statewide Sex
30 Offender Database on employees of persons or firms holding
31 contracts with more than one school district and assigned to
32 more than one school district, the regional superintendent of
33 the educational service region in which the contracting school
34 districts are located may, at the request of any such school

1 district, be responsible for receiving the authorization for a
2 criminal history records check prepared by each such employee
3 and submitting the same to the Department of State Police and
4 for conducting a check of the Statewide Sex Offender Database
5 for each employee. Any information concerning the record of
6 conviction and identification as a sex offender of any such
7 employee obtained by the regional superintendent shall be
8 promptly reported to the president of the appropriate school
9 board or school boards.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."