



Sen. Jacqueline Y. Collins

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LRB094 04496 RAS 58049 a

1 AMENDMENT TO SENATE BILL 858

2 AMENDMENT NO. _____. Amend Senate Bill 858 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 2-3.25o as follows:

6 (105 ILCS 5/2-3.25o)

7 Sec. 2-3.25o. Registration and recognition of non-public
8 elementary and secondary schools.

9 (a) Findings. The General Assembly finds and declares (i)
10 that the Constitution of the State of Illinois provides that a
11 "fundamental goal of the People of the State is the educational
12 development of all persons to the limits of their capacities"
13 and (ii) that the educational development of every school
14 student serves the public purposes of the State. In order to
15 ensure that all Illinois students and teachers have the
16 opportunity to enroll and work in State-approved educational
17 institutions and programs, the State Board of Education shall
18 provide for the voluntary registration and recognition of
19 non-public elementary and secondary schools.

20 (b) Registration. All non-public elementary and secondary
21 schools in the State of Illinois may voluntarily register with
22 the State Board of Education on an annual basis. Registration
23 shall be completed in conformance with procedures prescribed by
24 the State Board of Education. Information required for

1 registration shall include assurances of compliance (i) with
2 federal and State laws regarding health examination and
3 immunization, attendance, length of term, and
4 nondiscrimination and (ii) with applicable fire and health
5 safety requirements.

6 (c) Recognition. All non-public elementary and secondary
7 schools in the State of Illinois may voluntarily seek the
8 status of "Non-public School Recognition" from the State Board
9 of Education. This status may be obtained by compliance with
10 administrative guidelines and review procedures as prescribed
11 by the State Board of Education. The guidelines and procedures
12 must recognize that some of the aims and the financial bases of
13 non-public schools are different from public schools and will
14 not be identical to those for public schools, nor will they be
15 more burdensome. The guidelines and procedures must also
16 recognize the diversity of non-public schools and shall not
17 impinge upon the noneducational relationships between those
18 schools and their clientele.

19 (c-5) A non-public elementary or secondary school may not
20 obtain "Non-public School Recognition" status unless the
21 school requires all certified and non-certified applicants for
22 employment with the school, except school bus driver
23 applicants, to authorize a fingerprint-based criminal history
24 records check as a condition of employment to determine if such
25 applicants have been convicted of any of the enumerated
26 criminal or drug offenses set forth in this subsection (c-5) or
27 have been convicted, within 7 years of the application for
28 employment, of any other felony under the laws of this State or
29 of any offense committed or attempted in any other state or
30 against the laws of the United States that, if committed or
31 attempted in this State, would have been punishable as a felony
32 under the laws of this State.

33 Authorization for the check shall be furnished by the
34 applicant to the school, except that if the applicant is a

1 substitute teacher seeking employment in more than one
2 non-public school, a teacher seeking concurrent part time
3 employment positions with more than one non-public school (as a
4 reading specialist, special education teacher or otherwise),
5 or an educational support personnel employee seeking
6 employment positions with more than one non-public school, only
7 one of the non-public schools employing the individual shall
8 request the authorization. Upon receipt of this authorization,
9 the non-public school shall submit the applicant's name, sex,
10 race, date of birth, social security number, fingerprint
11 images, and other identifiers, as prescribed by the Department
12 of State Police, to the Department of State Police.

13 The Department of State Police shall furnish, pursuant to a
14 fingerprint-based criminal history records check, records of
15 convictions, until expunged, to the president or principal of
16 the non-public school that requested the check. The Department
17 of State Police shall charge that school a fee for conducting
18 such check, which fee shall be deposited in the State Police
19 Services Fund and shall not exceed the cost of the inquiry.
20 Subject to appropriations for these purposes, the State
21 Superintendent of Education shall reimburse nonpublic schools
22 for fees paid to obtain criminal history records checks under
23 this Section.

24 A non-public school may not obtain recognition status
25 unless the school also performs a check of the Statewide Sex
26 Offender Database, as authorized by the Sex Offender and Child
27 Murderer Community Notification Law, for each applicant for
28 employment to determine whether the applicant has been
29 adjudicated a sex offender.

30 Any information concerning the record of convictions
31 obtained by a non-public school's president or principal under
32 this Section shall be confidential and may be transmitted only
33 to the governing body of the non-public school or any other
34 person necessary to the decision of hiring the applicant for

1 employment. A copy of the record of convictions obtained from
2 the Department of State Police shall be provided to the
3 applicant for employment. Upon the check of the Statewide Sex
4 Offender Database, the non-public school shall notify an
5 applicant as to whether or not the applicant has been
6 identified in the Sex Offender Database as a sex offender. Any
7 information concerning the records of convictions obtained by
8 the non-public school's president or principal under this
9 Section for a substitute teacher seeking employment in more
10 than one non-public school, a teacher seeking concurrent part
11 time employment positions with more than one non-public school
12 (as a reading specialist, special education teacher, or
13 otherwise), or an educational support personnel employee
14 seeking employment positions with more than one non-public
15 school may be shared with the other non-public schools to which
16 the applicant seeks employment. Any person who releases any
17 confidential information concerning any criminal convictions
18 of an applicant for employment shall be guilty of a Class A
19 misdemeanor, unless the release of such information is
20 authorized by this Section.

21 No non-public school may obtain recognition status that
22 knowingly employs a person for whom a criminal history records
23 check and a Statewide Sex Offender Database check has not been
24 initiated or a person who has been convicted for committing
25 attempted first degree murder or for committing or attempting
26 to commit first degree murder or a Class X felony or any one or
27 more of the following offenses: (i) those defined in Sections
28 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
29 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
30 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)
31 those defined in the Cannabis Control Act, except those defined
32 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those
33 defined in the Illinois Controlled Substances Act; and (iv) any
34 offense committed or attempted in any other state or against

1 the laws of the United States that, if committed or attempted
2 in this State, would have been punishable as one or more of the
3 foregoing offenses. No non-public school may obtain
4 recognition status that knowingly employs a person who has been
5 found to be the perpetrator of sexual or physical abuse of any
6 minor under 18 years of age pursuant to proceedings under
7 Article II of the Juvenile Court Act of 1987.

8 In order to obtain recognition status, a non-public school
9 must require compliance with the provisions of this subsection
10 (c-5) from all employees of persons or firms holding contracts
11 with the school, including, but not limited to, food service
12 workers, school bus drivers, and other transportation
13 employees, who have direct, daily contact with the pupils. Any
14 information concerning the record of conviction and
15 identification as a sex offender of any such employee obtained
16 by the non-public school principal or president must be
17 promptly reported to the school's governing body.

18 (d) Public purposes. The provisions of this Section are in
19 the public interest, for the public benefit, and serve secular
20 public purposes.

21 (e) Definition. For purposes of this Section, a non-public
22 school means any non-profit, non-home-based, and non-public
23 elementary or secondary school that is in compliance with Title
24 VI of the Civil Rights Act of 1964 and attendance at which
25 satisfies the requirements of Section 26-1 of this Code.

26 (Source: P.A. 93-661, eff. 2-10-04.)"