



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5240

Introduced 1/31/2022, by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25o

Amends the School Code. Provides that at any time the State Board of Education moves to remove a nonpublic school's recognition status due to a perceived emergency situation being present at the nonpublic school, the State Board of Education shall file a notice of emergency rulemaking pursuant to the Illinois Administrative Procedure Act to adopt emergency rules that specifically detail the perceived emergency situation and its impact on students and school personnel. Effective immediately.

LRB102 22695 CMG 31841 b

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 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
12 educational development of all persons to the limits of their
13 capacities" and (ii) that the educational development of every
14 school student serves the public purposes of the State. In
15 order to ensure that all Illinois students and teachers have
16 the opportunity to enroll and work in State-approved
17 educational institutions and programs, the State Board of
18 Education shall provide for the voluntary registration and
19 recognition of 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

1 by the State Board of Education. Information required for
2 registration shall include assurances of compliance (i) with
3 federal and State laws regarding health examination and
4 immunization, attendance, length of term, and
5 nondiscrimination, including assurances that the school will
6 not prohibit hairstyles historically associated with race,
7 ethnicity, or hair texture, including, but not limited to,
8 protective hairstyles such as braids, locks, and twists, and
9 (ii) with applicable fire and health safety requirements.

10 (c) Recognition. All non-public elementary and secondary
11 schools in the State of Illinois may voluntarily seek the
12 status of "Non-public School Recognition" from the State Board
13 of Education. This status may be obtained by compliance with
14 administrative guidelines and review procedures as prescribed
15 by the State Board of Education. The guidelines and procedures
16 must recognize that some of the aims and the financial bases of
17 non-public schools are different from public schools and will
18 not be identical to those for public schools, nor will they be
19 more burdensome. The guidelines and procedures must also
20 recognize the diversity of non-public schools and shall not
21 impinge upon the noneducational relationships between those
22 schools and their clientele. At any time the State Board of
23 Education moves to remove a non-public school's recognition
24 status due to a perceived emergency situation being present at
25 the non-public school, the State Board of Education shall file
26 a notice of emergency rulemaking pursuant to Section 5-45 of

1 the Illinois Administrative Procedure Act to adopt emergency
2 rules that specifically detail the perceived emergency
3 situation and its impact on students and school personnel.

4 (c-5) Prohibition against recognition. A non-public
5 elementary or secondary school may not obtain "Non-public
6 School Recognition" status unless the school requires all
7 certified and non-certified applicants for employment with the
8 school, after July 1, 2007, to authorize a fingerprint-based
9 criminal history records check as a condition of employment to
10 determine if such applicants have been convicted of any of the
11 enumerated criminal or drug offenses set forth in Section
12 21B-80 of this Code or have been convicted, within 7 years of
13 the application for employment, of any other felony under the
14 laws of this State or of any offense committed or attempted in
15 any other state or against the laws of the United States that,
16 if committed or attempted in this State, would have been
17 punishable as a felony under the laws of this State.

18 Authorization for the check shall be furnished by the
19 applicant to the school, except that if the applicant is a
20 substitute teacher seeking employment in more than one
21 non-public school, a teacher seeking concurrent part-time
22 employment positions with more than one non-public school (as
23 a reading specialist, special education teacher, or
24 otherwise), or an educational support personnel employee
25 seeking employment positions with more than one non-public
26 school, then only one of the non-public schools employing the

1 individual shall request the authorization. Upon receipt of
2 this authorization, the non-public school shall submit the
3 applicant's name, sex, race, date of birth, social security
4 number, fingerprint images, and other identifiers, as
5 prescribed by the Illinois State Police, to the Illinois State
6 Police.

7 The Illinois State Police and Federal Bureau of
8 Investigation shall furnish, pursuant to a fingerprint-based
9 criminal history records check, records of convictions,
10 forever and hereafter, until expunged, to the president or
11 principal of the non-public school that requested the check.
12 The Illinois State Police shall charge that school a fee for
13 conducting such check, which fee must be deposited into the
14 State Police Services Fund and must not exceed the cost of the
15 inquiry. Subject to appropriations for these purposes, the
16 State Superintendent of Education shall reimburse non-public
17 schools for fees paid to obtain criminal history records
18 checks under this Section.

19 A non-public school may not obtain recognition status
20 unless the school also performs a check of the Statewide Sex
21 Offender Database, as authorized by the Sex Offender Community
22 Notification Law, for each applicant for employment, after
23 July 1, 2007, to determine whether the applicant has been
24 adjudicated a sex offender.

25 Any information concerning the record of convictions
26 obtained by a non-public school's president or principal under

1 this Section is confidential and may be disseminated only to
2 the governing body of the non-public school or any other
3 person necessary to the decision of hiring the applicant for
4 employment. A copy of the record of convictions obtained from
5 the Illinois State Police shall be provided to the applicant
6 for employment. Upon a check of the Statewide Sex Offender
7 Database, the non-public school shall notify the applicant as
8 to whether or not the applicant has been identified in the Sex
9 Offender Database as a sex offender. Any information
10 concerning the records of conviction obtained by the
11 non-public school's president or principal under this Section
12 for a substitute teacher seeking employment in more than one
13 non-public school, a teacher seeking concurrent part-time
14 employment positions with more than one non-public school (as
15 a reading specialist, special education teacher, or
16 otherwise), or an educational support personnel employee
17 seeking employment positions with more than one non-public
18 school may be shared with another non-public school's
19 principal or president to which the applicant seeks
20 employment. Any unauthorized release of confidential
21 information may be a violation of Section 7 of the Criminal
22 Identification Act.

23 No non-public school may obtain recognition status that
24 knowingly employs a person, hired after July 1, 2007, for whom
25 an Illinois State Police and Federal Bureau of Investigation
26 fingerprint-based criminal history records check and a

1 Statewide Sex Offender Database check has not been initiated
2 or who has been convicted of any offense enumerated in Section
3 21B-80 of this Code or any offense committed or attempted in
4 any other state or against the laws of the United States that,
5 if committed or attempted in this State, would have been
6 punishable as one or more of those offenses. No non-public
7 school may obtain recognition status under this Section that
8 knowingly employs a person who has been found to be the
9 perpetrator of sexual or physical abuse of a minor under 18
10 years of age pursuant to proceedings under Article II of the
11 Juvenile Court Act of 1987.

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

23 Prior to the commencement of any student teaching
24 experience or required internship (which is referred to as
25 student teaching in this Section) in any non-public elementary
26 or secondary school that has obtained or seeks to obtain

1 recognition status under this Section, a student teacher is
2 required to authorize a fingerprint-based criminal history
3 records check. Authorization for and payment of the costs of
4 the check must be furnished by the student teacher to the chief
5 administrative officer of the non-public school where the
6 student teaching is to be completed. Upon receipt of this
7 authorization and payment, the chief administrative officer of
8 the non-public school shall submit the student teacher's name,
9 sex, race, date of birth, social security number, fingerprint
10 images, and other identifiers, as prescribed by the Illinois
11 State Police, to the Illinois State Police. The Illinois State
12 Police and the Federal Bureau of Investigation shall furnish,
13 pursuant to a fingerprint-based criminal history records
14 check, records of convictions, forever and hereinafter, until
15 expunged, to the chief administrative officer of the
16 non-public school that requested the check. The Illinois State
17 Police shall charge the school a fee for conducting the check,
18 which fee must be passed on to the student teacher, must not
19 exceed the cost of the inquiry, and must be deposited into the
20 State Police Services Fund. The school shall further perform a
21 check of the Statewide Sex Offender Database, as authorized by
22 the Sex Offender Community Notification Law, and of the
23 Statewide Murderer and Violent Offender Against Youth
24 Database, as authorized by the Murderer and Violent Offender
25 Against Youth Registration Act, for each student teacher. No
26 school that has obtained or seeks to obtain recognition status

1 under this Section may knowingly allow a person to student
2 teach for whom a criminal history records check, a Statewide
3 Sex Offender Database check, and a Statewide Murderer and
4 Violent Offender Against Youth Database check have not been
5 completed and reviewed by the chief administrative officer of
6 the non-public school.

7 A copy of the record of convictions obtained from the
8 Illinois State Police must be provided to the student teacher.
9 Any information concerning the record of convictions obtained
10 by the chief administrative officer of the non-public school
11 is confidential and may be transmitted only to the chief
12 administrative officer of the non-public school or his or her
13 designee, the State Superintendent of Education, the State
14 Educator Preparation and Licensure Board, or, for
15 clarification purposes, the Illinois State Police or the
16 Statewide Sex Offender Database or Statewide Murderer and
17 Violent Offender Against Youth Database. Any unauthorized
18 release of confidential information may be a violation of
19 Section 7 of the Criminal Identification Act.

20 No school that has obtained or seeks to obtain recognition
21 status under this Section may knowingly allow a person to
22 student teach who has been convicted of any offense that would
23 subject him or her to license suspension or revocation
24 pursuant to Section 21B-80 of this Code or who has been found
25 to be the perpetrator of sexual or physical abuse of a minor
26 under 18 years of age pursuant to proceedings under Article II

1 of the Juvenile Court Act of 1987.

2 Any school that has obtained or seeks to obtain
3 recognition status under this Section may not prohibit
4 hairstyles historically associated with race, ethnicity, or
5 hair texture, including, but not limited to, protective
6 hairstyles such as braids, locks, and twists.

7 (d) Public purposes. The provisions of this Section are in
8 the public interest, for the public benefit, and serve secular
9 public purposes.

10 (e) Definition. For purposes of this Section, a non-public
11 school means any non-profit, non-home-based, and non-public
12 elementary or secondary school that is in compliance with
13 Title VI of the Civil Rights Act of 1964 and attendance at
14 which satisfies the requirements of Section 26-1 of this Code.
15 (Source: P.A. 102-360, eff. 1-1-22; 102-538, eff. 8-20-21;
16 revised 10-4-21.)

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