



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5241

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

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25o

Amends the School Code. Prior to changing the recognition status of a nonpublic elementary or secondary school, requires the State Superintendent of Education to schedule a conference between the chief administrator of the nonpublic school and representatives of the State Board of Education to discuss issues concerning compliance. Requires the nonpublic school to submit a corrective action plan to the State Superintendent of Education; sets forth procedures concerning the school's corrective action plan. Provides that if the nonpublic school does not submit a plan or submits a plan that is not capable of being approved, the school's recognition status shall be removed. Sets forth provisions concerning the appeal process. Effective immediately.

LRB102 22694 CMG 31840 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.

23 (c-2) Corrective action plan. The State Board of Education
24 shall adopt rules to administer this subsection (c-2). Prior
25 to changing a non-public school's recognition status, the
26 State Superintendent of Education shall schedule a conference

1 with the chief administrator of the non-public school to
2 discuss any noncompliance issues with representatives of the
3 State Board. Within 60 days following the conference, the
4 school shall submit to the State Superintendent a corrective
5 action plan that conforms to the requirements identified by
6 the State Superintendent that are needed to correct the issues
7 of noncompliance that may cause the removal of the school's
8 recognition status. The State Superintendent shall respond to
9 the submission of the plan within 15 days after receiving the
10 plan.

11 The State Superintendent shall approve the plan if the
12 plan:

13 (1) specifies steps to be taken by the school that are
14 directly related to the area or areas of noncompliance;

15 (2) provides evidence that the school has the
16 resources and the ability to take the steps described
17 without giving rise to other areas of noncompliance that
18 may lead to the removal of recognition status; and

19 (3) specifies a timeline for the correction of the
20 area or areas of noncompliance that is demonstrably linked
21 to the factors leading to the noncompliance and the
22 timeline is not longer than needed to correct the
23 identified issues of noncompliance.

24 The State Superintendent shall notify the school if the
25 school's plan is not approved. If a plan is not submitted or if
26 a plan that is not capable of being approved is received within

1 60 days after the school's conference with the State Board,
2 the school's recognition status shall be removed.

3 During any time a plan for corrective action is in effect,
4 if the State Superintendent determines that the agreed upon
5 corrective actions are not being implemented in accordance
6 with the plan or the underlying areas of noncompliance are not
7 being remedied, the recognition status of the non-public
8 school shall be removed. The chief administrator of the school
9 may appeal this decision by submitting a written statement of
10 appeal within 14 days after receiving notification of the
11 removal of recognition status to the State Superintendent.
12 Within 30 days after receipt of the appeal, the State
13 Superintendent or a designee must convene a hearing to review
14 all pertinent information, including the procedures that led
15 to the recognition status removal. Representatives of the
16 school must have an opportunity to present evidence at the
17 hearing demonstrating that the school is complying with the
18 requirements for recognition.

19 No later than 30 days after the conclusion of the hearing,
20 the State Superintendent must inform the school's chief
21 administrator of the State Superintendent's decision. If there
22 is no change to the school's recognition status, the school
23 does not need to take any further action. If the school's
24 recognition status is removed and the school wishes to regain
25 its recognition status, the school must follow the procedures
26 identified in this Section to become recognized.

1 The decision of the State Superintendent is a final
2 administrative decision. No non-public school shall be subject
3 to removal of recognition status without going through the
4 process identified in this subsection (c-2).

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

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

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

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

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

26 Any information concerning the record of convictions

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

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

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

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

24 Prior to the commencement of any student teaching
25 experience or required internship (which is referred to as
26 student teaching in this Section) in any non-public elementary

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

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

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

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

1 under 18 years of age pursuant to proceedings under Article II
2 of the Juvenile Court Act of 1987.

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

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

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

16 (Source: P.A. 102-360, eff. 1-1-22; 102-538, eff. 8-20-21;
17 revised 10-4-21.)

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