



Rep. James D. Brosnahan

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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 Sections
5 2-3.25o and 10-21.9 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 to authorize a fingerprint-based
23 criminal history records check as a condition of employment to
24 determine if such applicants have been convicted of any of the
25 enumerated criminal or drug offenses set forth in this
26 subsection (c-5) or have been convicted, within 7 years of the
27 application for employment, of any other felony under the laws
28 of 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.

32 Authorization for the check shall be furnished by the
33 applicant to the school, except that if the applicant is a
34 substitute teacher seeking employment in more than one

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

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

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

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

1 the Department of State Police shall be provided to the
2 applicant for employment. Upon the check of the Statewide Sex
3 Offender Database, the non-public school shall notify an
4 applicant as to whether or not the applicant has been
5 identified in the Sex Offender Database as a sex offender. Any
6 information concerning the records of convictions obtained by
7 the non-public school's president or principal under this
8 Section for a substitute teacher seeking employment in more
9 than one non-public school, a teacher seeking concurrent
10 part-time employment positions with more than one non-public
11 school (as a reading specialist, special education teacher, or
12 otherwise), or an educational support personnel employee
13 seeking employment positions with more than one non-public
14 school may be shared with the other non-public schools to which
15 the applicant seeks employment. 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 No non-public school may obtain recognition status that
21 knowingly employs a person for whom a criminal history records
22 check and a Statewide Sex Offender Database check has not been
23 initiated or a person who has been convicted for committing
24 attempted first degree murder or for committing or attempting
25 to commit first degree murder or a Class X felony or any one or
26 more of the following offenses: (i) those defined in Sections
27 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
28 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
29 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)
30 those defined in the Cannabis Control Act, except those defined
31 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those
32 defined in the Illinois Controlled Substances Act; and (iv) any
33 offense committed or attempted in any other state or against
34 the laws of the United States that, if committed or attempted

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

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

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

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

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

26 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

29 (a) Certified and noncertified applicants for employment
30 with a school district, ~~except school bus driver applicants,~~
31 are required as a condition of employment to authorize a
32 fingerprint-based criminal history records check to determine
33 if such applicants have been convicted of any of the enumerated

1 criminal or drug offenses in subsection (c) of this Section or
2 have been convicted, within 7 years of the application for
3 employment with the school district, of any other felony under
4 the laws of this State or of any offense committed or attempted
5 in any other state or against the laws of the United States
6 that, if committed or attempted in this State, would have been
7 punishable as a felony under the laws of this State.
8 Authorization for the check shall be furnished by the applicant
9 to the school district, except that if the applicant is a
10 substitute teacher seeking employment in more than one school
11 district, a teacher seeking concurrent part-time employment
12 positions with more than one school district (as a reading
13 specialist, special education teacher or otherwise), or an
14 educational support personnel employee seeking employment
15 positions with more than one district, any such district may
16 require the applicant to furnish authorization for the check to
17 the regional superintendent of the educational service region
18 in which are located the school districts in which the
19 applicant is seeking employment as a substitute or concurrent
20 part-time teacher or concurrent educational support personnel
21 employee. Upon receipt of this authorization, the school
22 district or the appropriate regional superintendent, as the
23 case may be, shall submit the applicant's name, sex, race, date
24 of birth, social security number, fingerprint images, and other
25 identifiers, as prescribed by the Department of State Police,
26 to the Department. The regional superintendent submitting the
27 requisite information to the Department of State Police shall
28 promptly notify the school districts in which the applicant is
29 seeking employment as a substitute or concurrent part-time
30 teacher or concurrent educational support personnel employee
31 that the check of the applicant has been requested. The
32 Department of State Police and the Federal Bureau of
33 Investigation shall furnish, pursuant to a fingerprint-based
34 criminal history records check, records of convictions, until

1 expunged, to the president of the school board for the school
2 district that requested the check, or to the regional
3 superintendent who requested the check. The Department shall
4 charge the school district or the appropriate regional
5 superintendent a fee for conducting such check, which fee shall
6 be deposited in the State Police Services Fund and shall not
7 exceed the cost of the inquiry; and the applicant shall not be
8 charged a fee for such check by the school district or by the
9 regional superintendent. Subject to appropriations for these
10 purposes, the State Superintendent of Education shall
11 reimburse school districts and regional superintendents for
12 fees paid to obtain criminal history records checks under this
13 Section.

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

18 (b) Any information concerning the record of convictions
19 obtained by the president of the school board or the regional
20 superintendent shall be confidential and may only be
21 transmitted to the superintendent of the school district or his
22 designee, the appropriate regional superintendent if the check
23 was requested by the school district, the presidents of the
24 appropriate school boards if the check was requested from the
25 Department of State Police by the regional superintendent, the
26 State Superintendent of Education, the State Teacher
27 Certification Board or any other person necessary to the
28 decision of hiring the applicant for employment. A copy of the
29 record of convictions obtained from the Department of State
30 Police shall be provided to the applicant for employment. Upon
31 the check of the Statewide Sex Offender Database, the school
32 district or regional superintendent shall notify an applicant
33 as to whether or not the applicant has been identified in the
34 Database as a sex offender. If a check of an applicant for

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

1 applicant, or may initiate its own criminal history records
2 check of the applicant through the Department of State Police
3 and its own check of the Statewide Sex Offender Database as
4 provided in subsection (a). Any person who releases any
5 confidential information concerning any criminal convictions
6 of an applicant for employment shall be guilty of a Class A
7 misdemeanor, unless the release of such information is
8 authorized by this Section.

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

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

32 (e) Upon receipt of the record of a conviction of or a
33 finding of child abuse by a holder of any certificate issued
34 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School

1 Code, the appropriate regional superintendent of schools or the
2 State Superintendent of Education shall initiate the
3 certificate suspension and revocation proceedings authorized
4 by law.

5 (f) After January 1, 1990 the provisions of this Section
6 shall apply to all employees of persons or firms holding
7 contracts with any school district including, but not limited
8 to, food service workers, school bus drivers and other
9 transportation employees, who have direct, daily contact with
10 the pupils of any school in such district. For purposes of
11 criminal history records checks and checks of the Statewide Sex
12 Offender Database on employees of persons or firms holding
13 contracts with more than one school district and assigned to
14 more than one school district, the regional superintendent of
15 the educational service region in which the contracting school
16 districts are located may, at the request of any such school
17 district, be responsible for receiving the authorization for a
18 criminal history records check prepared by each such employee
19 and submitting the same to the Department of State Police and
20 for conducting a check of the Statewide Sex Offender Database
21 for each employee. Any information concerning the record of
22 conviction and identification as a sex offender of any such
23 employee obtained by the regional superintendent shall be
24 promptly reported to the president of the appropriate school
25 board or school boards.

26 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
27 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised
28 8-19-05.)".