

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Missing Children Records Act is amended by
5 changing Section 5 as follows:

6 (325 ILCS 50/5) (from Ch. 23, par. 2285)

7 Sec. 5. Duties of school or other entity.

8 (a) Upon notification by the Department of a person's
9 disappearance, a school, preschool educational program, child
10 care facility, or day care home or group day care home in which
11 the person is currently or was previously enrolled shall flag
12 the record of that person in such a manner that whenever a copy
13 of or information regarding the record is requested, the school
14 or other entity shall be alerted to the fact that the record is
15 that of a missing person. The school or other entity shall
16 immediately report to the Department any request concerning
17 flagged records or knowledge as to the whereabouts of any
18 missing person. Upon notification by the Department that the
19 missing person has been recovered, the school or other entity
20 shall remove the flag from the person's record.

21 (b) (1) For every child enrolled ~~Upon enrollment of a child~~
22 ~~for the first time~~ in a particular elementary or secondary
23 school, public or private preschool educational program,

1 public or private child care facility licensed under the Child
2 Care Act of 1969, or day care home or group day care home
3 licensed under the Child Care Act of 1969, that school or other
4 entity shall notify in writing the person enrolling the child
5 that within 30 days he must provide either (i) a certified copy
6 of the child's birth certificate or (ii) other reliable proof,
7 as determined by the Department, of the child's identity and
8 age and an affidavit explaining the inability to produce a copy
9 of the birth certificate. Other reliable proof of the child's
10 identity and age shall include a passport, visa or other
11 governmental documentation of the child's identity. When the
12 person enrolling the child provides the school or other entity
13 with a certified copy of the child's birth certificate, the
14 school or other entity shall promptly make a copy of the
15 certified copy for its records and return the original
16 certified copy to the person enrolling the child. Once a school
17 or other entity has been provided with a certified copy of a
18 child's birth certificate as required under item (i) of this
19 subdivision (b) (1), the school or other entity need not request
20 another such certified copy with respect to that child for any
21 other year in which the child is enrolled in that school or
22 other entity.

23 (2) Upon the failure of a person enrolling a child to
24 comply with subsection (b) (1), the school or other entity
25 shall immediately notify the Department or local law
26 enforcement agency of such failure, and shall notify the person

1 enrolling the child in writing that he has 10 additional days
2 to comply.

3 (3) The school or other entity shall immediately report to
4 the Department any affidavit received pursuant to this
5 subsection which appears inaccurate or suspicious in form or
6 content.

7 (c) Within 14 days after enrolling a transfer student, the
8 elementary or secondary school shall request directly from the
9 student's previous school a certified copy of his record. The
10 requesting school shall exercise due diligence in obtaining the
11 copy of the record requested. Any elementary or secondary
12 school requested to forward a copy of a transferring student's
13 record to the new school shall comply within 10 days of receipt
14 of the request unless the record has been flagged pursuant to
15 subsection (a), in which case the copy shall not be forwarded
16 and the requested school shall notify the Department or local
17 law enforcement authority of the request.

18 (d) Notwithstanding any other rulemaking authority that
19 may exist, neither the Governor nor any agency or agency head
20 under the jurisdiction of the Governor has any authority to
21 make or promulgate rules to implement or enforce the provisions
22 of this amendatory Act of the 95th General Assembly. If,
23 however, the Governor believes that rules are necessary to
24 implement or enforce the provisions of this amendatory Act of
25 the 95th General Assembly, the Governor may suggest rules to
26 the General Assembly by filing them with the Clerk of the House

1 and Secretary of the Senate and by requesting that the General
2 Assembly authorize such rulemaking by law, enact those
3 suggested rules into law, or take any other appropriate action
4 in the General Assembly's discretion. Nothing contained in this
5 amendatory Act of the 95th General Assembly shall be
6 interpreted to grant rulemaking authority under any other
7 Illinois statute where such authority is not otherwise
8 explicitly given. For the purposes of this amendatory Act of
9 the 95th General Assembly, "rules" is given the meaning
10 contained in Section 1-70 of the Illinois Administrative
11 Procedure Act, and "agency" and "agency head" are given the
12 meanings contained in Sections 1-20 and 1-25 of the Illinois
13 Administrative Procedure Act to the extent that such
14 definitions apply to agencies or agency heads under the
15 jurisdiction of the Governor.

16 (Source: P.A. 95-439, eff. 1-1-08.)

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