



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0143

Introduced 1/31/2007, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25o

Amends the School Code. Provides that a non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless (i) the school requires all applicants for employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been convicted of specified criminal or drug offenses and (ii) the school performs a check of the Statewide Sex Offender Database for each applicant for employment, after July 1, 2007, to determine whether the applicant has been adjudicated a sex offender. Provides that no non-public school may obtain recognition status that knowingly employs a person, hired after July 1, 2007, for whom a Department of State Police and Federal Bureau of Investigation fingerprint-based criminal history records check and a Statewide Sex Offender Database check has not been initiated or who has been convicted of certain criminal or drug offenses. Contains provisions concerning a fee for the criminal history records check and reimbursement, confidentiality, and checks of employees of persons or firms holding contracts with the school. Effective July 1, 2007.

LRB095 05062 NHT 25131 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 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

1 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 and (ii) with applicable fire and health
6 safety requirements.

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

20 (c-5) Prohibition against recognition. A non-public
21 elementary or secondary school may not obtain "Non-public
22 School Recognition" status unless the school requires all
23 certified and non-certified applicants for employment with the
24 school, after July 1, 2007, to authorize a fingerprint-based
25 criminal history records check as a condition of employment to
26 determine if such applicants have been convicted of any of the

1 enumerated criminal or drug offenses set forth in this
2 subsection (c-5) or have been convicted, within 7 years of the
3 application for employment, of any other felony under the laws
4 of this State or of any offense committed or attempted in any
5 other state or against the laws of the United States that, if
6 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
9 applicant to the school, except that if the applicant is a
10 substitute teacher seeking employment in more than one
11 non-public school, a teacher seeking concurrent part-time
12 employment positions with more than one non-public school (as a
13 reading specialist, special education teacher, or otherwise),
14 or an educational support personnel employee seeking
15 employment positions with more than one non-public school, then
16 only one of the non-public schools employing the individual
17 shall request the authorization. Upon receipt of this
18 authorization, the non-public school shall submit the
19 applicant's name, sex, race, date of birth, social security
20 number, fingerprint images, and other identifiers, as
21 prescribed by the Department of State Police, to the Department
22 of State Police.

23 The Department of State Police and Federal Bureau of
24 Investigation shall furnish, pursuant to a fingerprint-based
25 criminal history records check, records of convictions,
26 forever and hereafter, until expunged, to the president or

1 principal of the non-public school that requested the check.
2 The Department of State Police shall charge that school a fee
3 for conducting such check, which fee must be deposited into the
4 State Police Services Fund and must not exceed the cost of the
5 inquiry. Subject to appropriations for these purposes, the
6 State Superintendent of Education shall reimburse nonpublic
7 schools for fees paid to obtain criminal history records checks
8 under this Section.

9 A non-public school may not obtain recognition status
10 unless the school also performs a check of the Statewide Sex
11 Offender Database, as authorized by the Sex Offender Community
12 Notification Law, for each applicant for employment, after July
13 1, 2007, to determine whether the applicant has been
14 adjudicated a sex offender.

15 Any information concerning the record of convictions
16 obtained by a non-public school's president or principal under
17 this Section is confidential and may be disseminated only to
18 the governing body of the non-public school or any other person
19 necessary to the decision of hiring the applicant for
20 employment. A copy of the record of convictions obtained from
21 the Department of State Police shall be provided to the
22 applicant for employment. Upon a check of the Statewide Sex
23 Offender Database, the non-public school shall notify the
24 applicant as to whether or not the applicant has been
25 identified in the Sex Offender Database as a sex offender. Any
26 information concerning the records of conviction obtained by

1 the non-public school's president or principal under this
2 Section for a substitute teacher seeking employment in more
3 than one non-public school, a teacher seeking concurrent
4 part-time employment positions with more than one non-public
5 school (as a reading specialist, special education teacher, or
6 otherwise), or an educational support personnel employee
7 seeking employment positions with more than one non-public
8 school may be shared with another non-public school's principal
9 or president to which the applicant seeks employment. Any
10 person who releases any criminal history record information
11 concerning an applicant for employment is guilty of a Class A
12 misdemeanor and may be subject to prosecution under federal
13 law, unless the release of such information is authorized by
14 this Section.

15 No non-public school may obtain recognition status that
16 knowingly employs a person, hired after July 1, 2007, for whom
17 a Department of State Police and Federal Bureau of
18 Investigation fingerprint-based criminal history records check
19 and a Statewide Sex Offender Database check has not been
20 initiated or who has been convicted for committing attempted
21 first degree murder or for committing or attempting to commit
22 first degree murder or a Class X felony or any one or more of
23 the following offenses: (i) those defined in Sections 11-6,
24 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
25 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
26 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)

1 those defined in the Cannabis Control Act, except those defined
2 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those
3 defined in the Illinois Controlled Substances Act; and (iv) any
4 offense committed or attempted in any other state or against
5 the laws of the United States that, if committed or attempted
6 in this State, would have been punishable as one or more of the
7 foregoing offenses. No non-public school may obtain
8 recognition status under this Section that knowingly employs a
9 person who has been found to be the perpetrator of sexual or
10 physical abuse of a minor under 18 years of age pursuant to
11 proceedings under Article II of the Juvenile Court Act of 1987.

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

22 (d) Public purposes. The provisions of this Section are in
23 the public interest, for the public benefit, and serve secular
24 public purposes.

25 (e) Definition. For purposes of this Section, a non-public
26 school means any non-profit, non-home-based, and non-public

1 elementary or secondary school that is in compliance with Title
2 VI of the Civil Rights Act of 1964 and attendance at which
3 satisfies the requirements of Section 26-1 of this Code.

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

5 Section 99. Effective date. This Act takes effect July 1,
6 2007.