



Sen. William R. Haine

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09600SB2071sam002

LRB096 03629 NHT 23882 a

1 AMENDMENT TO SENATE BILL 2071

2 AMENDMENT NO. _____. Amend Senate Bill 2071 as follows:

3 on page 3, line 17, after "district", by inserting "or the
4 chief school administrator of the employing nonpublic school";
5 and

6 on page 7, line 2, before" 3-11", by inserting "2-3.25o,"; and

7 on page 7, immediately below line 3, by inserting the
8 following:

9 "(105 ILCS 5/2-3.25o)

10 Sec. 2-3.25o. Registration and recognition of non-public
11 elementary and secondary schools.

12 (a) Findings. The General Assembly finds and declares (i)
13 that the Constitution of the State of Illinois provides that a
14 "fundamental goal of the People of the State is the educational

1 development of all persons to the limits of their capacities"
2 and (ii) that the educational development of every school
3 student serves the public purposes of the State. In order to
4 ensure that all Illinois students and teachers have the
5 opportunity to enroll and work in State-approved educational
6 institutions and programs, the State Board of Education shall
7 provide for the voluntary registration and recognition of
8 non-public elementary and secondary schools.

9 (b) Registration. All non-public elementary and secondary
10 schools in the State of Illinois may voluntarily register with
11 the State Board of Education on an annual basis. Registration
12 shall be completed in conformance with procedures prescribed by
13 the State Board of Education. Information required for
14 registration shall include assurances of compliance (i) with
15 federal and State laws regarding health examination and
16 immunization, attendance, length of term, and
17 nondiscrimination and (ii) with applicable fire and health
18 safety requirements.

19 (c) Recognition. All non-public elementary and secondary
20 schools in the State of Illinois may voluntarily seek the
21 status of "Non-public School Recognition" from the State Board
22 of Education. This status may be obtained by compliance with
23 administrative guidelines and review procedures as prescribed
24 by the State Board of Education. The guidelines and procedures
25 must recognize that some of the aims and the financial bases of
26 non-public schools are different from public schools and will

1 not be identical to those for public schools, nor will they be
2 more burdensome. The guidelines and procedures must also
3 recognize the diversity of non-public schools and shall not
4 impinge upon the noneducational relationships between those
5 schools and their clientele.

6 (c-5) Prohibition against recognition. A non-public
7 elementary or secondary school may not obtain "Non-public
8 School Recognition" status unless the school requires all
9 certified and non-certified applicants for employment with the
10 school, after July 1, 2007, to authorize a fingerprint-based
11 criminal history records check as a condition of employment to
12 determine if such applicants have been convicted of any of the
13 enumerated criminal or drug offenses set forth in Section
14 21-23a of this Code ~~this subsection (c-5)~~ or have been
15 convicted, within 7 years of the application for employment, of
16 any other felony under the laws of this State or of any offense
17 committed or attempted in any other state or against the laws
18 of the United States that, if committed or attempted in this
19 State, would have been punishable as a felony under the laws of
20 this State.

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

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

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

22 A non-public school may not obtain recognition status
23 unless the school also performs a check of the Statewide Sex
24 Offender Database, as authorized by the Sex Offender Community
25 Notification Law, for each applicant for employment, after July
26 1, 2007, to determine whether the applicant has been

1 adjudicated a sex offender.

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

1 this Section.

2 No non-public school may obtain recognition status that
3 knowingly employs a person, hired after July 1, 2007, for whom
4 a Department of State Police and Federal Bureau of
5 Investigation fingerprint-based criminal history records check
6 and a Statewide Sex Offender Database check has not been
7 initiated or who has been convicted of any offense enumerated
8 in Section 21-23a of this Code or ~~for committing attempted~~
9 ~~first degree murder or for committing or attempting to commit~~
10 ~~first degree murder or a Class X felony or any one or more of~~
11 ~~the following offenses: (i) those defined in Sections 11-6,~~
12 ~~11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,~~
13 ~~11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,~~
14 ~~12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)~~
15 ~~those defined in the Cannabis Control Act, except those defined~~
16 ~~in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those~~
17 ~~defined in the Illinois Controlled Substances Act; and (iv) any~~
18 offense committed or attempted in any other state or against
19 the laws of the United States that, if committed or attempted
20 in this State, would have been punishable as one or more of
21 those ~~the foregoing~~ offenses. No non-public school may obtain
22 recognition status under this Section that knowingly employs a
23 person who has been found to be the perpetrator of sexual or
24 physical abuse of a minor under 18 years of age pursuant to
25 proceedings under Article II of the Juvenile Court Act of 1987.

26 In order to obtain recognition status under this Section, a

1 non-public school must require compliance with the provisions
2 of this subsection (c-5) from all employees of persons or firms
3 holding contracts with the school, including, but not limited
4 to, food service workers, school bus drivers, and other
5 transportation employees, who have direct, daily contact with
6 pupils. Any information concerning the records of conviction or
7 identification as a sex offender of any such employee obtained
8 by the non-public school principal or president must be
9 promptly reported to the school's governing body.

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

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

18 (Source: P.A. 95-351, eff. 8-23-07.)".