

**SB0136**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB0136**

Introduced 1/27/2011, by Sen. Edward D. Maloney

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/2-3.25o

105 ILCS 5/26-1

from Ch. 122, par. 26-1

Amends the School Code. Requires the parents or legal guardians of children attending non-public schools, a defined term, or private or parochial schools to annually register their children with the State Board of Education, in conformance with procedures prescribed by the State Board of Education.

LRB097 02721 NHT 42742 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 Sections  
5 2-3.25o and 26-1 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; student registration.

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 The parents or legal guardians of all children attending  
8 non-public elementary or secondary schools in this State must  
9 annually register their children with the State Board of  
10 Education, in conformance with procedures prescribed by the  
11 State Board of Education.

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

25 (c-5) Prohibition against recognition. A non-public  
26 elementary or secondary school may not obtain "Non-public

1 School Recognition" status unless the school requires all  
2 certified and non-certified applicants for employment with the  
3 school, after July 1, 2007, to authorize a fingerprint-based  
4 criminal history records check as a condition of employment to  
5 determine if such applicants have been convicted of any of the  
6 enumerated criminal or drug offenses set forth in Section  
7 21-23a of this Code or have been convicted, within 7 years of  
8 the application for employment, of any other felony under the  
9 laws of this State or of any offense committed or attempted in  
10 any other state or against the laws of the United States that,  
11 if committed or attempted in this State, would have been  
12 punishable as a felony under the laws of this State.

13 Authorization for the check shall be furnished by the  
14 applicant to the school, except that if the applicant is a  
15 substitute teacher seeking employment in more than one  
16 non-public school, a teacher seeking concurrent part-time  
17 employment positions with more than one non-public school (as a  
18 reading specialist, special education teacher, or otherwise),  
19 or an educational support personnel employee seeking  
20 employment positions with more than one non-public school, then  
21 only one of the non-public schools employing the individual  
22 shall request the authorization. Upon receipt of this  
23 authorization, the non-public school shall submit the  
24 applicant's name, sex, race, date of birth, social security  
25 number, fingerprint images, and other identifiers, as  
26 prescribed by the Department of State Police, to the Department

1 of State Police.

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

14 A non-public school may not obtain recognition status  
15 unless the school also performs a check of the Statewide Sex  
16 Offender Database, as authorized by the Sex Offender Community  
17 Notification Law, for each applicant for employment, after July  
18 1, 2007, to determine whether the applicant has been  
19 adjudicated a sex offender.

20 Any information concerning the record of convictions  
21 obtained by a non-public school's president or principal under  
22 this Section is confidential and may be disseminated only to  
23 the governing body of the non-public school or any other person  
24 necessary to the decision of hiring the applicant for  
25 employment. A copy of the record of convictions obtained from  
26 the Department of State Police shall be provided to the

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

20 No non-public school may obtain recognition status that  
21 knowingly employs a person, hired after July 1, 2007, for whom  
22 a Department of State Police and Federal Bureau of  
23 Investigation fingerprint-based criminal history records check  
24 and a Statewide Sex Offender Database check has not been  
25 initiated or who has been convicted of any offense enumerated  
26 in Section 21-23a of this Code or any offense committed or

1 attempted in any other state or against the laws of the United  
2 States that, if committed or attempted in this State, would  
3 have been punishable as one or more of those offenses. No  
4 non-public school may obtain recognition status under this  
5 Section that knowingly employs a person who has been found to  
6 be the perpetrator of sexual or physical abuse of a minor under  
7 18 years of age pursuant to proceedings under Article II of the  
8 Juvenile Court Act of 1987.

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

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

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

1 (Source: P.A. 95-351, eff. 8-23-07; 96-431, eff. 8-13-09.)

2 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

3 Sec. 26-1. Compulsory school age-Exemptions. Whoever has  
4 custody or control of any child between the ages of 7 and 17  
5 years (unless the child has already graduated from high school)  
6 shall cause such child to attend some public school in the  
7 district wherein the child resides the entire time it is in  
8 session during the regular school term, except as provided in  
9 Section 10-19.1, and during a required summer school program  
10 established under Section 10-22.33B; provided, that the  
11 following children shall not be required to attend the public  
12 schools:

13 1. Any child attending a private or a parochial school  
14 where children are taught the branches of education taught  
15 to children of corresponding age and grade in the public  
16 schools, and where the instruction of the child in the  
17 branches of education is in the English language, provided  
18 that the parents or legal guardians of the child annually  
19 register the child with the State Board of Education in  
20 accordance with procedures prescribed by the State Board of  
21 Education;

22 2. Any child who is physically or mentally unable to  
23 attend school, such disability being certified to the  
24 county or district truant officer by a competent physician  
25 licensed in Illinois to practice medicine and surgery in



1 all its branches, a chiropractic physician licensed under  
2 the Medical Practice Act of 1987, an advanced practice  
3 nurse who has a written collaborative agreement with a  
4 collaborating physician that authorizes the advanced  
5 practice nurse to perform health examinations, a physician  
6 assistant who has been delegated the authority to perform  
7 health examinations by his or her supervising physician, or  
8 a Christian Science practitioner residing in this State and  
9 listed in the Christian Science Journal; or who is excused  
10 for temporary absence for cause by the principal or teacher  
11 of the school which the child attends; the exemptions in  
12 this paragraph (2) do not apply to any female who is  
13 pregnant or the mother of one or more children, except  
14 where a female is unable to attend school due to a  
15 complication arising from her pregnancy and the existence  
16 of such complication is certified to the county or district  
17 truant officer by a competent physician;

18 3. Any child necessarily and lawfully employed  
19 according to the provisions of the law regulating child  
20 labor may be excused from attendance at school by the  
21 county superintendent of schools or the superintendent of  
22 the public school which the child should be attending, on  
23 certification of the facts by and the recommendation of the  
24 school board of the public school district in which the  
25 child resides. In districts having part time continuation  
26 schools, children so excused shall attend such schools at

1           least 8 hours each week;

2           4. Any child over 12 and under 14 years of age while in  
3 attendance at confirmation classes;

4           5. Any child absent from a public school on a  
5 particular day or days or at a particular time of day for  
6 the reason that he is unable to attend classes or to  
7 participate in any examination, study or work requirements  
8 on a particular day or days or at a particular time of day,  
9 because the tenets of his religion forbid secular activity  
10 on a particular day or days or at a particular time of day.  
11 Each school board shall prescribe rules and regulations  
12 relative to absences for religious holidays including, but  
13 not limited to, a list of religious holidays on which it  
14 shall be mandatory to excuse a child; but nothing in this  
15 paragraph 5 shall be construed to limit the right of any  
16 school board, at its discretion, to excuse an absence on  
17 any other day by reason of the observance of a religious  
18 holiday. A school board may require the parent or guardian  
19 of a child who is to be excused from attending school due  
20 to the observance of a religious holiday to give notice,  
21 not exceeding 5 days, of the child's absence to the school  
22 principal or other school personnel. Any child excused from  
23 attending school under this paragraph 5 shall not be  
24 required to submit a written excuse for such absence after  
25 returning to school; and

26           6. Any child 16 years of age or older who (i) submits

1 to a school district evidence of necessary and lawful  
2 employment pursuant to paragraph 3 of this Section and (ii)  
3 is enrolled in a graduation incentives program pursuant to  
4 Section 26-16 of this Code or an alternative learning  
5 opportunities program established pursuant to Article 13B  
6 of this Code.

7 (Source: P.A. 96-367, eff. 8-13-09.)