



Sen. Iris Y. Martinez

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09900SB1319sam001

LRB099 06560 NHT 31570 a

1 AMENDMENT TO SENATE BILL 1319

2 AMENDMENT NO. _____. Amend Senate Bill 1319 as follows:

3 on page 1, line 5, after "2-3.12,", by inserting "2-3.25o,";
4 and

5 on page 8, immediately below line 17, by inserting the
6 following:

7 "(105 ILCS 5/2-3.25o)

8 Sec. 2-3.25o. Registration and recognition of non-public
9 elementary and secondary schools.

10 (a) Findings. The General Assembly finds and declares (i)
11 that the Constitution of the State of Illinois provides that a
12 "fundamental goal of the People of the State is the educational
13 development of all persons to the limits of their capacities"
14 and (ii) that the educational development of every school
15 student serves the public purposes of the State. In order to

1 ensure that all Illinois students and teachers have the
2 opportunity to enroll and work in State-approved educational
3 institutions and programs, the State Board of Education shall
4 provide for the voluntary registration and recognition of
5 non-public elementary and secondary schools.

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

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

1 impinge upon the noneducational relationships between those
2 schools and their clientele.

3 (c-5) Prohibition against recognition. A non-public
4 elementary or secondary school may not obtain "Non-public
5 School Recognition" status unless the school requires all
6 certified and non-certified applicants for employment with the
7 school, after July 1, 2007, to authorize a fingerprint-based
8 criminal history records check as a condition of employment to
9 determine if such applicants have been convicted of any of the
10 enumerated criminal or drug offenses set forth in Section
11 21B-80 ~~21-23a~~ of this Code or have been convicted, within 7
12 years of the application for employment, of any other felony
13 under the laws of this State or of any offense committed or
14 attempted in any other state or against the laws of the United
15 States that, if committed or attempted in this State, would
16 have been punishable as a felony under the laws of this State.

17 Authorization for the check shall be furnished by the
18 applicant to the school, except that if the applicant is a
19 substitute teacher seeking employment in more than one
20 non-public school, a teacher seeking concurrent part-time
21 employment positions with more than one non-public school (as a
22 reading specialist, special education teacher, or otherwise),
23 or an educational support personnel employee seeking
24 employment positions with more than one non-public school, then
25 only one of the non-public schools employing the individual
26 shall request the authorization. Upon receipt of this

1 authorization, the non-public school shall submit the
2 applicant's name, sex, race, date of birth, social security
3 number, fingerprint images, and other identifiers, as
4 prescribed by the Department of State Police, to the Department
5 of State Police.

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

18 A non-public school may not obtain recognition status
19 unless the school also performs a check of the Statewide Sex
20 Offender Database, as authorized by the Sex Offender Community
21 Notification Law, for each applicant for employment, after July
22 1, 2007, to determine whether the applicant has been
23 adjudicated a sex offender.

24 Any information concerning the record of convictions
25 obtained by a non-public school's president or principal under
26 this Section is confidential and may be disseminated only to

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

24 No non-public school may obtain recognition status that
25 knowingly employs a person, hired after July 1, 2007, for whom
26 a Department of State Police and Federal Bureau of

1 Investigation fingerprint-based criminal history records check
2 and a Statewide Sex Offender Database check has not been
3 initiated or who has been convicted of any offense enumerated
4 in Section 21B-80 of this Code or any offense committed or
5 attempted in any other state or against the laws of the United
6 States that, if committed or attempted in this State, would
7 have been punishable as one or more of those offenses. No
8 non-public school may obtain recognition status under this
9 Section that knowingly employs a person who has been found to
10 be the perpetrator of sexual or physical abuse of a minor under
11 18 years of age pursuant to proceedings under Article II of the
12 Juvenile Court Act of 1987.

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

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

26 (e) Definition. For purposes of this Section, a non-public

1 school means any non-profit, non-home-based, and non-public
2 elementary or secondary school that is in compliance with Title
3 VI of the Civil Rights Act of 1964 and attendance at which
4 satisfies the requirements of Section 26-1 of this Code.

5 (Source: P.A. 96-431, eff. 8-13-09; 97-607, eff. 8-26-11.)".