

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER I: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 425  
VOLUNTARY REGISTRATION AND RECOGNITION OF NONPUBLIC SCHOOLS

Section

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AUTHORITY: Implementing Sections 2-3.25o and 2-3.51.5 and authorized by Sections 2-3.6 and 2-3.51.5 of the School Code [105 ILCS 5/2-3.25o, 2-3.51.5, and 2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 17123, effective December 7, 2009; amended at 36 Ill. Reg. 2241, effective January 26, 2012.

**Section 425.10 Purpose and Applicability**

Section 2-3.25o of the School Code [105 ILCS 5/2-3.25o] requires the State Board of Education to provide for the voluntary registration and recognition of nonpublic elementary and secondary schools, as defined in that Section. Further, Section 2-3.51.5 of the School Code [105 ILCS 5/2-3.51.5] makes State-recognized, nonpublic schools eligible to receive funds under the School Safety and Educational Improvement Block Grant Program under certain circumstances.

- a) The purpose of this Part is to set forth:
  - 1) the requirements and procedures for nonpublic schools' voluntary registration;
  - 2) the requirements and procedures for nonpublic schools' voluntary recognition; and
  - 3) the requirements and procedures for nonpublic schools' receipt of funding under Section 2-3.51.5 of the School Code.
- b) This Part shall not apply to special education facilities under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] (see 23 Ill. Adm. Code 401).
- c) Nothing in this Part shall be construed as relieving a nonpublic school from the duty to comply with any other applicable State or federal law or regulatory requirement.

**Section 425.20 Requirements for Registration**

- a) The State Superintendent of Education shall make available a form to be used for nonpublic schools' voluntary registration. A school's initial registration may occur at any time from October 1 through June 30 of the relevant school year. Initial registration of a school shall occur by means of a paper submission. Each paper registration form shall bear the signature of the school's chief administrative officer and must be received by the Illinois State Board of Education no later than June 25 for the school to be registered by June 30.
  - 1) Descriptive information that must be submitted shall include:
    - A) the name of the school, its location and telephone number, its affiliation, and the name of the chief administrator;
    - B) data on the students enrolled, by race, ethnicity, and grade level; and
    - C) data on the staff employed in various capacities.
  - 2) The chief administrator of each school shall provide assurances that:
    - A) the school offers an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually;
    - B) the school *provides instruction in English*, except as otherwise permitted pursuant to Section 27-2 of the School Code [105 ILCS 5/27-2], *in the branches of education taught to children of corresponding age and grade in the public schools* (Section 26-1 of the School Code [105 ILCS 5/26-1]), *including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health* (Section 27-1 of the School Code [105 ILCS 5/27-1]);
    - C) the school requires the students who are enrolled to attend daily during the entire regular school term;
    - D) the physical facilities occupied by the school comply with the applicable local building code and fire safety requirements;

- E) the school will require evidence that, and will furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and will cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively; and
  - F) the school complies with applicable federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the Individuals with Disabilities Education Improvement Act (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law, including Plyler v. Doe, 457 U.S. 202, 102 S.Ct. 2382 (1982).
- b) Upon receipt of complete information for initial registration, including the required assurances, the State Superintendent shall assign a unique identifying number to the school. This number shall be evidence of completed registration and shall permit the school's chief administrator to apply for a user account affording access to the Illinois Web Application Security (IWAS) System, which the school may then use to exchange information with the State Superintendent of Education as relevant to its situation.
  - c) The application for renewal of a school's registration in any subsequent year must be submitted no sooner than October 1 and no later than November 15 of that school year. Annual renewal of a school's registration shall be performed electronically and shall be submitted only by the chief administrator.
  - d) The chief administrator of each school applying to renew its registration shall submit to the Illinois State Board of Education the same information and assurances required in subsection (a) of this Section.

(Source: Amended at 36 Ill. Reg. 2241, effective January 26, 2012)

**Section 425.30 Requirements for Recognition**

No nonpublic school shall apply for recognition unless it was registered for the previous school year, except that a school whose educational program is delivered via correspondence may seek recognition without registration, in acknowledgment of the fact that students participating in a school of this type do not gather in a physical location and thus the school does not provide assurances about their compliance with requirements for health examinations, as required for registration under Section 2-3.25o(b) of the School Code. Recognition shall be granted only to schools that meet the requirements of this Section. A nonpublic school applying for recognition that has not applied for registration renewal by November 15 of the year in which the recognition application is submitted shall not be considered for recognition during the remainder of that school year.

a) Administrative Requirements

- 1) Each school's recognition shall be contingent upon evidence of compliance with the administrative requirements that are made applicable to nonpublic schools by relevant statutes.
  - A) The school shall offer an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually.
  - B) The school shall require the students who are enrolled to attend daily during the entire regular school term.
  - C) The school shall comply with applicable federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the Individuals with Disabilities Education Improvement Act (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law, including Plyler v. Doe, 457 U.S. 202, 102 S.Ct. 2382 (1982).
  - D) The school shall comply with the requirements of Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4], Section 5 of the Missing Children Records Act [325 ILCS 50/5], Section 5 of the Missing Children Registration Law [325 ILCS

55/5], and the rules of the State Board of Education promulgated pursuant to Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] (see 23 Ill. Adm. Code 375.75, Public and Nonpublic Schools: Transmission of Records for Transfer Students).

- E) The school shall comply with the requirements of the School Reporting of Drug Violations Act [105 ILCS 127].
- F) The school shall comply with the requirements of Sections 10-27.1A and 10-27.1B of the School Code [105 ILCS 5/27.1A and 27.1B] regarding firearms and drug-related incidents in schools.
- G) The school shall comply with the requirements of Section 10-21.7 of the School Code [105 ILCS 5/10-21.7] regarding the reporting of attacks on school personnel.

2) Recognition shall also be contingent upon evidence of compliance with the additional administrative requirements of this subsection (a)(2).

- A) The school shall maintain written descriptions of its governance structure and its policy-making procedure, shall maintain its policies in written form, and shall make its policies routinely available to parents of the students enrolled and to school staff, as well as to other individuals upon request.
- B) The school shall maintain a written description of its methods for complying with the nondiscrimination requirements identified in subsection (a)(1)(C) of this Section.

b) Educational Program

Each school's recognition shall be contingent upon evidence of compliance with the programmatic requirements that are made applicable to nonpublic schools by relevant statutes.

- 1) *Instruction shall be provided in English, except as otherwise permitted pursuant to Section 27-2 of the School Code [105 ILCS 5/27-2], in the branches of education taught to children of corresponding age and grade in the public schools (Section 26-1 of the School Code), including the language arts, mathematics, the biological, physical and social sciences,*

*the fine arts, and physical development and health* (Section 27-1 of the School Code).

- 2) Each school shall provide instruction *in American patriotism, the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, and shall require pupils to recite the Pledge of Allegiance daily.* (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]) *Not less than one hour per week shall be devoted to the study of this subject matter in the seventh and eighth grades or their equivalent and in all high school grades. No student shall receive a certificate of graduation from the eighth grade or from high school without passing an examination on these subjects. No student shall be graduated from the eighth grade unless he or she has received instruction in the history of the United States and has given evidence of a comprehensive knowledge of the subject.* (Section 27-21 of the School Code [105 ILCS 5/27-21])
  - 3) The school shall provide health education as required by the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
- c) Personnel Requirements
- 1) Each school's recognition shall be contingent upon evidence of compliance with the requirements of subsection (c-5) of Section 2-3.25o of the School Code.
  - 2) Each school shall require of each new employee evidence of freedom from communicable disease, including tuberculosis. This evidence shall consist of a tuberculin skin test and, if appropriate, an x-ray, performed by a physician licensed in Illinois or any other state to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the nurse to perform health examinations, or a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, not more than 90 days preceding the date on which the report of the test results is presented to the school's chief administrator.

- 3) Each school's personnel policies shall require:
    - A) monitoring the performance of each employee who provides or assists with instruction or has other instructional responsibilities (e.g., teachers, teacher aides, administrators, department chairs); and
    - B) formal evaluation at least every two years in terms of proficiency and competency.
  - 4) Students' needs for support services such as counseling and social work shall be evaluated when school staff believe consideration is needed, such as when there are changes in the student body or stresses within the surrounding community, and the school's staffing configuration shall reflect decision-making about how those needs should be addressed.
  - 5) Each individual first assigned to a full-time teaching or administrative position at or after the beginning of the 2011-12 school year shall hold a bachelor's or higher degree.
  - 6) Each individual first assigned to a full-time teaching or administrative position prior to the beginning of the 2011-12 school year who does not hold a bachelor's or higher degree shall participate annually in professional development that is demonstrably designed to strengthen his or her knowledge and skills in areas directly related to job duties (e.g., content-area knowledge or pedagogy for teaching staff, and administration, supervision, evaluation, or school management for administrators).
  - 7) Each individual employed in a field requiring licensure shall hold and practice within the scope of the relevant license.
- d) Health and Safety

Each school's recognition shall be contingent upon evidence of compliance with the health and safety requirements that are made applicable to nonpublic schools by the following relevant statutes.

- 1) The physical facilities occupied by the school shall comply with the applicable local building code and fire safety requirements.

- 2) If the school provides food service, the nutrition program and the facilities used shall comply with the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), the Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].
- 3) The school shall have a wellness policy on file that complies with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004 (section 204 of Public Law 108-265; 42 USC 1751 note).
- 4) The school shall require evidence that, and shall furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and shall cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively.
- 5) The school shall comply with the requirements of the School Safety Drill Act [105 ILCS 128].
- 6) The school shall comply with the requirements of the Eye Protection in School Act [105 ILCS 115].
- 7) The school shall comply with the requirements of the Toxic Art Supplies in Schools Act [105 ILCS 135].
- 8) The school shall comply with the applicable requirements of the Asbestos Abatement Act [105 ILCS 105].

(Source: Amended at 36 Ill. Reg. 2241, effective January 26, 2012)

**Section 425.40 Process for Initial Recognition**

A nonpublic school may choose whether to seek recognition under subsection (a) or subsection (b) of this Section. An application for initial recognition may be submitted at any time.

a) Direct Recognition

- 1) The chief administrator of a registered nonpublic school shall submit an application for recognition, using a format specified by the State Superintendent of Education. The application shall include summary information about the school, including but not limited to its educational program and its intended calendar for the upcoming school year, as well as a report of the most recent fire inspection conducted by or on behalf of the relevant local authority.
  - A) For each school whose geographic location falls within the jurisdiction of a code authority, a copy of a certificate of occupancy issued by that authority and valid for the upcoming school year shall be included with the application.
  - B) For each school not located within the jurisdiction of any code authority, the application shall include a letter provided by a design professional, indicating that that individual has evaluated the facility and found no condition that would constitute a threat to the health and safety of the occupants and no condition that would constitute an obvious violation of the building code incorporated at 23 Ill. Adm. Code 180.60.
  - C) For each school whose most recent fire inspection report is more than one year old, the application shall include a letter provided by either a design professional or an individual who meets the requirements of the rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 111.30 (General Requirements for a Qualified Fire Official), indicating that that individual has evaluated the facility and found no condition that would constitute a fire hazard.
  - D) A “design professional” is an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Financial and Professional Regulation implementing that Act (68 Ill. Adm. Code 1150), an engineer licensed to practice in Illinois

under the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1380) or an engineer licensed to practice in Illinois under the Structural Engineering Practice Act of 1989 [225 ILCS 340] and the applicable rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1480).

- 2) Upon receipt of a complete application, the State Superintendent shall schedule a recognition visit and empanel a review team, whose members shall include at least a representative of the State Superintendent, a representative of a public educational entity such as a school district or regional office of education, and either a representative of a nonpublic school, other than the school whose recognition is being considered, or another individual who is familiar with the nonpublic educational milieu. The team shall visit the school to verify its compliance with the requirements of this Part. The chief administrator shall be notified in advance of the visit regarding the documentation that must be presented relative to each requirement of Section 425.30 of this Part.
  - 3) The team shall observe the operations of the school, review the required documentation, and prepare a report of its findings, including a recommendation regarding recognition of the school, for the consideration of the State Superintendent.
  - 4) Upon consideration of the evidence presented and the recommendations of the review team and relevant staff members, the State Superintendent shall recognize the school if it meets the requirements of Section 425.30 of this Part. If recognition is not granted, the State Superintendent's notice to the chief administrative officer shall identify the deficiencies leading to that determination and Section 425.70 of this Part shall apply.
- b) Recognition via External Accrediting Organizations
- 1) The State Superintendent of Education shall review the processes used by various accrediting organizations to identify those entities whose approval, recognition, or accreditation of schools is granted on the basis of compliance with at least the requirements of Section 425.30 of this Part. A nonpublic school shall receive State recognition upon presentation of evidence that it has received approval, recognition, or accreditation from

any of these entities. Probationary recognition shall be assigned if the accrediting body has assigned a comparable status to the school.

- 2) The State Superintendent shall maintain on the agency's web site a list of all entities whose determinations are accepted pursuant to subsection (b)(1) of this Section.
- c) Each school that is recognized shall receive a Certificate of Nonpublic School Recognition reflecting that status.
- d) Recognition shall be valid until the school's recognition status is determined in the following school year and shall be subject to renewal as provided in Section 425.50 of this Part.
- e) Recognition that is granted pursuant to this Part shall not be extended to any additional campus, site, or school, nor shall it affect students who are not in attendance at the site to which recognition was specifically granted.

(Source: Amended at 36 Ill. Reg. 2241, effective January 26, 2012)

**Section 425.50 Renewal of Recognition**

- a) Cycle for On-Site Review
  - 1) Each school recognized pursuant to Section 425.40(a) of this Part and seeking continued recognition shall receive periodic visits by a review team as may be deemed necessary to ascertain the degree to which the school complies with applicable requirements of Sections 425.30 and 425.40(a) of this Part and, for those schools receiving block grant funds under Section 2-3.51.5 of the School Code [105 ILCS 5/2-3.51.5], the degree to which the school complies with the requirements of Section 425.80 of this Part. On those occasions, the team shall observe the school's operations, confirm compliance with applicable requirements and prepare a report as provided in Section 425.40 of this Part. When the school's application for renewal of its recognition is received, the State Superintendent shall consider the evidence presented and proceed as discussed in subsection (c) of this Section.
  - 2) Each school recognized pursuant to Section 425.40(b) of this Part shall be visited in keeping with the review cycle of the relevant accrediting organization. When the school's application for renewal of its recognition is received, the State Superintendent shall:
    - A) renew the school's recognition, if the accrediting organization has renewed the school's accreditation; or
    - B) assign another status as provided in subsection (c) of this Section, if the accrediting organization has not renewed the school's accreditation.
- b) Renewal in Intervening Years
  - 1) For each school year between on-site reviews, the chief administrator of a school recognized pursuant to Section 425.40(a) of this Part shall apply for renewal of the school's recognition by submitting, in an electronic format specified by the State Superintendent of Education, assurances that the school continues to comply with the requirements of this Part and that no significant changes have been made in its operations, its facilities, or its programs. If annual professional development is required for any staff member pursuant to Section 425.30(c)(6) of this Part, the school's chief

administrator shall also submit a written plan for ensuring that the affected individuals complete relevant activities.

- 2) For each school year between on-site reviews, the chief administrator of a school recognized pursuant to Section 425.40(b) of this Part shall apply for renewal of the school's recognition by submitting evidence that the school's accreditation from the relevant organization is in effect for that school year.
- c) Upon consideration of the application materials and the report, and recommendation of the review team if a visit was conducted, the State Superintendent shall assign a recognition status to the school.
  - 1) A school shall be fully recognized if it meets the requirements of this Part, including each school whose accreditation by the relevant organization is in effect until the school's recognition status is determined in the following school year.
  - 2) A school shall be recognized pending further review if it exhibits areas of noncompliance that:
    - A) are not serious enough to warrant probation as delineated in subsection (c)(3) of this Section; and
    - B) can be corrected prior to the end of the school year following the school year in which they are identified.
  - 3) A school shall be placed on probation if it:
    - A) exhibits deficiencies that present a health hazard or a danger to students or staff;
    - B) fails to offer required coursework;
    - C) employs personnel who lack the required qualifications;
    - D) fails or refuses to serve students according to relevant legal requirements; and/or
    - E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

- d) When a school is recognized pending further review, the chief administrator may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the school will have an opportunity to discuss compliance issues with representatives of the State Board of Education.
- e) When a school is placed on probation, the State Superintendent shall schedule a conference at which representatives of the school will discuss compliance issues with representatives of the State Board of Education, unless the chief administrator has appealed the school's status as provided in Section 425.70 of this Part. Within 60 days following a conference under this subsection (e), the school's chief administrator shall submit to the State Superintendent a plan for corrective action that conforms to the requirements of subsection (f) of this Section.
- f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it. The State Superintendent shall approve a plan if it:
- 1) specifies steps to be taken that are directly related to the areas of noncompliance cited;
  - 2) provides evidence that the school has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and
  - 3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.
- g) If a school's plan is not approvable under subsection (f) of this Section, the State Superintendent shall notify the chief administrator to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the conference with representatives of the State Board, the school's recognition shall be withdrawn, subject to appeal under Section 425.70 of this Part.
- h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the State Superintendent shall withdraw the school's recognition, subject to appeal under Section 425.70 of this Part.

(Source: Amended at 36 Ill. Reg. 2241, effective January 26, 2012)

**Section 425.60 Changes in Recognition Status**

A school's recognition status may be changed by the State Superintendent of Education at any time to reflect information confirmed during compliance monitoring or by any other means, subject to the provisions of Section 425.70 of this Part. No school shall be nonrecognized without first having been placed on probation.

**Section 425.70 Appeals**

A chief administrator who wishes to appeal a school's placement on probation or nonrecognition shall submit to the State Superintendent of Education a written statement of appeal within 14 days after receiving notification of the recommended status.

- a) Within 30 days after receipt of the appeal, the State Superintendent or a designee shall convene a hearing to review all pertinent information, including the procedures that led to the recommended recognition status. Representatives of the affected school shall have an opportunity to present evidence demonstrating that the school complies with the requirements of this Part.
- b) No later than 30 days after the conclusion of the hearing, the State Superintendent shall inform the chief school administrator of the school's recognition status. The decision of the State Superintendent of Education shall be a final administrative decision, subject to the Administrative Review Law [735 ILCS 5/Art.III].

**Section 425.80 Block Grant Funds**

Only schools recognized pursuant to this Part shall be eligible to receive school safety and educational improvement block grant funding under Section 2-3.51.5 of the School Code.

- a) In order to receive its proportionate share of these funds for a given school year, a school shall be required to submit, at the conclusion of the school year and in a format specified by the State Superintendent of Education:
  - 1) a final calendar demonstrating that the length of the school term conformed to the requirements of Section 425.30 of this Part; and
  - 2) month-by-month attendance information.
- b) The State Superintendent shall annually establish and publicize the timelines for the submission of this information.
- c) Each school shall maintain attendance records in an auditable format, i.e., one that shows that attendance was taken daily and supports the information transmitted to the State Superintendent.
- d) Each school shall prepare an annual expenditure report, in a format specified by the State Superintendent, relating to its use of block grant funds and make this report available to the State Superintendent upon request. Payments to a school whose use of block grant funds in a prior year is found not to have complied with the requirements of Section 2-3.51.5(1) of the School Code shall be reduced to reflect amounts expended for purposes not allowed under that Section, and the school shall be subject to potential additional consequences for noncompliance as set forth in Section 425.50 of this Part.
- e) Any school that, for two years in a row and in any combination, either fails to deliver the report required by Section 27-8.1 of the School Code to the State Superintendent of Education by November 15 or delivers a report that does not demonstrate that at least 90 percent of the pupils enrolled in the school have complied with the requirements of that Section regarding immunizations and health examinations (other than dental and eye examinations) shall be issued a Notice of Non-Compliance. Unless, within seven school days after mailing of the notice, the school presents written evidence to the State Superintendent that it has delivered the report required by Section 27-8.1 and the report demonstrates compliance with that Section, the State Superintendent shall reduce by 10 percent

the next payment of block grant funds under this Section, provided that all amounts withheld shall be restored to the school after compliance is documented.