

RENUMBERED & RENAMED

May 2014

4:175-AP1

Operational Services

Administrative Procedure - Criminal Offender Notification Laws; Screening

Laws Protecting Students on School Grounds

The following list describes laws protecting students on school grounds from individuals convicted of serious crimes:

1. A child sex offender is prohibited from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present unless specifically permitted by statute (720 ILCS 5/11-9.3). -See School Board policies 4:170, ~~Safety 175, Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications; 8:30, Visitors to and Conduct on School Property; and administrative procedure 8:30-AP, Definition of Child Sex Offender.~~
2. Law enforcement must notify schools of offenders who reside or are employed in the county. See:- (a) Sex Offender Community Notification Law, 730 ILCS 152/~~101-et seq.~~, and (b) Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105, ~~amended by P.A. 97-154.~~ These laws are hereafter referred to as "offender notification laws." -See also ~~Board policy 4:170, Safety 175, Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications.~~
3. The School Code (105 ILCS 5/10-21.9, ~~amended by P.A. 97-607~~) lists criminal offenses that disqualify an individual from District employment if the individual was convicted.- It requires any person hired by the District to submit to a fingerprint-based criminal history records check through (a) the Illinois State Police (ISP) for an individual's *Criminal History Records Information* (CHRI) and (b) the FBI's national crime information databases. -The law also requires a school district to check two Illinois offender databases for each applicant, which are (a) the Statewide Sex Offender Registry, www.isp.state.il.us/sor, ~~www.isp.state.il.us/sor/~~ and (b) the Statewide Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/.- Obtaining the results of the fingerprint-based criminal history records check and review of the database registries is a *complete criminal history records check* as required by the School Code. -See Board policy 5:30, *Hiring Process and Criteria*; administrative procedure 5:30-AP2, *Investigations*, and ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.
4. **Note:** -A ~~district~~District may also check the National Sex Offender Public Registry, www.nsopr.gov; however, the same information will likely appear in the information furnished by the FBI.
- 4.5. The provisions in ~~The~~the School Code described above also apply to employees of persons or firms holding contracts with a school district who have direct, daily contact with students. ~~See Board policy 4:170, Safety. See administrative procedures 4:60-AP3, *Criminal History Records Check of Contractor Employees*, and 5:30-AP2, *Investigations*.~~
- 5.6. Conviction of an offense listed in 105 ILCS 5/10-21.9, ~~amended by P.A. 97-607~~, results in the automatic revocation of the individual's certificate (105 ILCS 5/~~21-23a~~, ~~repealed by P.A. 97-607 and moved to 105 ILCS 5/21B-80~~).

~~6-7.~~ The offender notification laws require law enforcement to ascertain whether a juvenile sex offender or violent offender against youth is enrolled in a school and, if so, to provide a copy of the registration form to the Building Principal and any guidance counselor designated by him or her. -This registration form must be kept separately from any and all school records maintained on behalf of the juvenile sex offender. -See Board policy 4:~~170, Safety~~175, *Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications.*

Receipt of ~~the~~ Information from Law Enforcement ¹

The Superintendent or designee shall notify the local law enforcement official or county sheriff that he or she is the District's official contact person for purposes of the offender notification laws. ² The Superintendent and/or Building Principal may at any time request information from law enforcement officials regarding sex offenders or violent offenders against youth.

The Superintendent will provide Building Principals and other supervisors with a copy of all lists received from law enforcement officials containing the names and addresses of sex offenders and violent offenders against youth.

The Building Principal or designee shall provide the lists to staff members in his or her building on a need-to-know basis, but in any event:

- A teacher will be told if one of his or her students, or a student's parent/guardian, is on a list.
- The school counselor, nurse, social worker, or other school service personnel will be told if a student or the parent/guardian of a student for whom he or she provides services is on a list.

No person receiving a list shall provide it to any other person, except as provided in these procedures, State law, ~~-3~~ or as authorized by the Superintendent. - Requests for information should be referred to the local law enforcement officials or State Police.

Informing Staff Members and Parents/Guardians About the Law ⁴

Building Principals or their designees shall inform parents/guardians about the availability of information concerning sex offenders during school registration and, if feasible, during parent-teacher conferences. Information should be distributed about the Statewide Sex Offender Registry, www.isp.state.il.us/sor/, and the Statewide Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/. Information may also be included in the Student Handbook. See the Sex Offender Community Notification Law, 730 ILCS 152/, and exhibit 4:175-API, E1, *Informing Parents/Guardians About Offender Community Notification Laws.*

Requests for additional information shall be referred to local law enforcement officials.

¹ The law is silent with regard to what, if anything, districts do with the information. It does, however, provide that "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law shall not be liable in any civil or criminal action," (730 ILCS 152/130).

² Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and the superintendent may wish to have a contact person from each building.

³ The list of child sex offenders may be a *public record* subject to disclosure under the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.). Consult the district counsel when a request is made using this Act.

⁴ State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/101 et seq. While State law allows the notification to be made during registration or parent-teacher conferences, the sample procedure makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

Screening Individuals Who Are Likely to Have Contact with Students at School or School Events ⁵

~~Upon receiving a list of sex offenders or violent offenders against youth from law enforcement~~For employees and student teachers, the Superintendent or Building Principal, ~~or designees~~, shall determine if anyone is listed who is currently a District employee, student teacher, or school volunteer.

- ~~1. In addition, the Superintendent and/or Building Principal(s) shall screen individuals who are likely to come in contact with students at school or school events as follows:):~~

Volunteers

~~Each staff member shall submit to the Superintendent the name and address of each volunteer the staff member is supervising or whose services are being used as soon as that person is identified. The Superintendent or designee shall immediately screen the volunteer's name and address against the: (1) Dru Sjodin National Sex Offender Public Website (NSOPW), www.nsopr.gov, (2) Illinois Sex Offender Registry, www.isp.state.il.us/sor, and (3) the Illinois Murderer and Violent Offenders Against Youth Registry maintained by the State Police www.isp.state.il.us/cmvo/. If a match is found, the Superintendent shall notify the Superintendent, who shall contact the local law enforcement officials to confirm or disprove the match.~~

~~If a match is confirmed, the Superintendent shall inform the individual, by mail and telephone call, that he or she may not be used as a volunteer. The Superintendent also shall inform relevant staff members and the Building Principal that the individual may not be used as a volunteer.~~

~~While volunteers are not subject to a criminal history records check requirement like District employees, the District may require the same fingerprint based criminal history records check required of student teachers. See ISBE's non-regulatory guidance document, Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel, at: www.isbe.net/pdf/guidance_chr.pdf and **Student Teachers**, below. The law is not clear whether the volunteer or the District pays the cost of this check, but funds from any ADA School Safety and Educational Improvement Block Grant may be used to pay for fingerprint based criminal history records checks.~~

Student Teachers

~~The District will perform a fingerprint based criminal history records check pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1) (ISP) and the Adam Walsh Child Protection and Safety Act (P.L. 109-248) (FBI). The Superintendent will receive the records of convictions (unless expunged) from the fingerprint based criminal history records check. See 105 ILCS 5/10-21.9(g) and ISBE's non-regulatory guidance document, Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel, at: www.isbe.net/pdf/guidance_chr.pdf. See also 5:30 AP2, Administrative Procedure — *Investigations*. Prior to participating in any field experiences in the District, each student teacher must provide written authorization for, and pay the costs of, his or her fingerprint-based criminal history records check. (Id. and 20 ILCS 2635 (7)(A). Each student teacher will be provided with a copy of the report (Id.). Every new student teaching experience will require a new background check.~~

⁵ The law is silent with regard to screening volunteers and individuals in the proximity of a school.

- a. ~~In addition, the Superintendent shall also screen the student teacher's name and address against the: Completes the required forms to request the fingerprint-based criminal history records check; see 5:30-AP2, *Investigations*.~~
- b. ~~Screens the individual's name and address against the:~~ (1) Illinois Sex Offender Registry, www.isp.state.il.us/sor/, and (2) the Violent Offender Against Youth Registry maintained by the State Police, www.isp.state.il.us/cmvo/. 105 ILCS 5/10-21.9.

Students Doing Field or Clinical Experience other than Student Teaching

~~The Superintendent shall screen~~Reviews ~~the name and address of each student seeking to do any field or clinical experience other than student teaching in the school as described above for volunteers. If a match is found, the Building Principal and Superintendent shall proceed as above for volunteers.~~

~~The District may also require the same fingerprint-based criminal history records check required of student teachers prior to a student beginning any field or clinical experiences other than student teaching in the District. See **Student Teachers**, Above. The cost of this check will be paid for by the student seeking the experience.~~

Contractors' Employees

~~The Superintendent shall include the following in all District contracts that may involve an employee of the contractor having any contact, direct or indirect, with a student:~~

~~The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105 ILCS 5/10-21.9, amended by P.A.s 97-248 and 97-607, or who is listed in the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry. The contractor shall make every employee who will be sent to any school building or school property available to the District for the purpose of submitting to a fingerprint-based criminal history records check pursuant to 105 ILCS 5/10-21.9. The check shall occur before any employee or agent is sent to any school building or school property. The contractor will reimburse the District for the costs of the checks. The District must also provide a copy of the report to the individual employee, but is not authorized to release it to the contractor. Additionally, at least quarterly, the contractor shall check if an employee or agent is listed on the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry.~~

~~If a staff member at any time becomes aware or suspicious that a contractor's employee is a sex offender or violent offender against youth, the employee shall immediately notify the Superintendent. The Superintendent shall screen the name of the individual as described in **Volunteers** above and/or contact the contractor.~~

~~If another school district requests a copy of a criminal history records check that the District conducted on a contractor's employee within the last year, the District will share it with the requesting school district. P.A. 97-248 requires the District to share the information and allows a school district to rely on the checks done by another district that are less than one year old. **Note:** Unless notified by the individual whose criminal history records are being checked or by the ISP that the information furnished in its criminal history records information (CHRI) report is inaccurate or incomplete, the District cannot be liable for damages to any person to whom the~~

~~CHRI pertains for actions that the District reasonably took in reliance on the accuracy and completeness of CHRI report (20 ILCS 2635/7(A)(3)).~~

Individuals in the Proximity of a District's School

~~Each time a list~~lists of sex offenders and/or violent offenders against youth ~~is as the lists are received from a law enforcement official, the Building Principal shall review it to determine if anyone listed lives in the proximity of his or her school. The Building Principal shall attempt to alter school bus stops and the route students travel to and from school in order to avoid contact with an individual on such a list.~~

Employees

~~All applicants considered for District employment shall submit to a fingerprint-based criminal history records check, according to State law and Board policy 5:30, *Hiring Process and Criteria*, and administrative procedure 5:30-AP2, *Investigations*. See 105 ILCS 5/10-21.9, amended by P.A. 97-607.~~

- c. ~~Each time a list of sex offenders or violent offenders against youth is received from a law enforcement official, the Superintendent shall review the list to determine if an employee is on the list.~~ If a match is found, the Superintendent ~~shall immediately contact~~contacts the local police officials to confirm or disprove the match. ~~The Superintendent shall immediately notify~~notifies the ~~School~~ Board if a match is confirmed. ~~The Board President will contact the Board Attorney and the Board will take the appropriate action to comply with State law that may include terminating the individual's employment.~~

Informing Staff Members and Parents/Guardians About the Law

- d. May request the individual to authorize a clearance of his or her name through the Ill. Dept. Of Children and Family Services (DCFS) CANTS system. This check documents that the person does not have an indicated report or record on DCFS' registry of child abuse and/or neglect. 325 ILCS 5/11.1(a)(11) and (c). Clearances must be requested using the DCFS form at [www.state.il.us/dcf/docs/CFS_689_Authorization_for_Background_Check_for_Programs_NOT_Licensed_by_DCFS_\(Fillable\).pdf](http://www.state.il.us/dcf/docs/CFS_689_Authorization_for_Background_Check_for_Programs_NOT_Licensed_by_DCFS_(Fillable).pdf). If an indicated report is found, contact the Board Attorney for guidance.
2. For students doing field or clinical experience other than student teaching, the Superintendent or Building Principal(s):
 - a. May require the same fingerprint-based criminal history records check required of student teachers. The cost of this check will be reimbursed by the student seeking the experience.
 - b. Performs the responsibilities listed in 1. b. & c., above.
3. For volunteers, see 6:250-AP, *Securing and Screening Resource Persons and Volunteers*. The Superintendent or Building Principal(s):
 - a. May require the same fingerprint-based criminal history records check required of student teachers.
 - b. Performs the responsibilities listed in 1. b. & c., above.
4. For contractors' employees, see 4:60-AP3, *Criminal History Records Check of Contractor Employees*; 5:30-AP2, *Investigations*.

5. For individuals in the proximity of a school or bus stop, the Building Principal(s) review(s) the lists of sex offenders and violent offenders against youth as they are received from law enforcement. The Building Principal or designee shall: (a) notify staff members according to the section of this procedure on **Receipt of the Information from Law Enforcement**, and (b) attempt to alter school bus stops and the route students travel to and from school in order to avoid contact with an individual on such a list.

~~CROSS REF.: 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications), Building Principals or their designees shall inform parents/guardians about the availability of information concerning sex offenders during school registration and, if feasible, during parent teacher conferences. Information should be distributed about the Illinois Sex Offender Registry, www.isp.state.il.us/sor, and the Illinois Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/. Information may also be included in the Student Handbook. See the Sex Offender Community Notification Law, 730 ILCS 152/101 et seq., and exhibit 4:170-AP2, E1, *Informing Parents About Offender Community Notification Laws*.~~

~~Requests for additional information shall be referred to local law enforcement officials.~~

~~CROSS REF.: 5:30 (Hiring Process and Criteria), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property)~~

ADMIN. PROC.: ~~4:170-AP260-AP3 (Criminal History Records Check of Contractor Employees), 4:175-AP1, E1 (Informing Parents/Guardians About Offender Community Notification Laws), 5:30-AP2 (Investigations), 6:250-AP (Securing and Screening Resource Persons and Volunteers), 6:250-E (Resource Person and Volunteer Information Form and Waiver of Liability), 8:30-AP (Definition of Child Sex Offender), 8:30-E1 (Letter to Parent Regarding Visits to School by Child Sex Offender/Offenders), 8:30-E2 (Child Sex Offender's Request for Permission to Visit School Property)~~

~~REVIEWED: November 2006~~

~~AMENDED: April 23, 2013~~