

## 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 Cooperative Board policies 4:175, *Convicted Child Sex Offender; Screening; Notifications*; 8:30, *Visitors to and Conduct on Cooperative 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 154/75-154/105. These laws are hereafter referred to as “offender notification laws.” See also policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

The School Code (105 ILCS 5/10-21.9, 5/21B-5 and 5/21B-80) lists criminal offenses that disqualify an individual from Cooperative employment if the individual was convicted. 105 ILCS 5/20-21.9 requires any person hired by the Cooperative to submit to a fingerprint-based criminal history records check through (a) the Ill. State Police (ISP) for an individual’s *Criminal History Records Information (CHRI)*, and (b) the Federal Bureau of Investigation (FBI) national criminal information databases. The law also requires a cooperative/school district to initially check two publicly-available Illinois offender databases for each applicant being considered for hire and, if hired, repeatedly at least once every five years that an individual remains employed by the Cooperative, which are (a) the Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, and (b) the Statewide Murderer and Violent Offender Against Youth Registry, <https://isp.illinois.gov/MVOAY/Disclaimer>. Obtaining the results of the fingerprint-based criminal history records check and review of the database registries is a *complete history records check* as required by the School Code. See 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 [https://www.isbe.net/Documents/guidance\\_chr.pdf#search=CHRI](https://www.isbe.net/Documents/guidance_chr.pdf#search=CHRI).

3. The National Sex Offender Public Website, [www.nsopr.gov/](http://www.nsopr.gov/); however, if performing a check here note that the same information will likely appear in the information furnished by the FBI.
4. The provisions in the School Code described above also apply to employees of persons or firms holding contracts with a school district/cooperative who have direct, daily contact with students 105 ILCS 5/10-21.9(f). See administrative procedures 4:60-AP3, *Criminal History Records Check of Contractor Employees*; 5:30-AP2, *Investigations*.
5. Being charged with attempting to commit, conspiring to commit, soliciting, or committing any offense listed in 105 ILCS 5/21B-80(b-5) results in the automatic suspension or revocation of the individual’s license until the individual’s criminal charges are adjudicated through a court of competent jurisdiction. If the individual is acquitted, his or her license or application shall be immediately reinstated.
6. Conviction of an offense listed in 105 ILCS 5/21B-80(c) results in the automatic suspension or revocation of the individual’s license. Conviction of an offense listed in 105 ILCS 5/21B-80(b), depending upon whether the individual’s sentence has been satisfactorily completed and seven years

have passed since that date, may result in automatic suspension or revocation of the individual's license.

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 Principal/Program Administrator and any school 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 Governing Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*.
8. When a criminal sexual offense is committed, or alleged to have been committed, by a Cooperative employee or contractor, law enforcement shall immediately transmit a copy of the criminal history record information relating to the investigation of the offense/alleged offense to the Executive Director. This transmission occurs either (725 ILCS 191/15, added by P.A. 102-652):
  - a. Upon the Executive Director's request to a law enforcement agency; or
  - b. If the law enforcement agency knows the offender/alleged offender is employed by the Cooperative (either as an employee or contractor), automatically.

The copy of the CHRI that is provided must exclude the identity of the adult victim, and if the Executive Director is otherwise aware of the adult victim, he or she must keep that person's identity confidential.

#### Receipt of Information from Law Enforcement

**Offender Notification Laws:** The Executive Director and Program Administrator/Building Principal shall notify the local law enforcement official, including the relevant lawyers in the State Attorney's Office and/or county sheriff that he or she is the Cooperative's official contact person for purposes of the offender notification laws. The Executive Director and/or Principal/Program Administrator may at any time request information from law enforcement officials regarding sex offenders or violent offenders against youth.

The Executive Director or designee will provide Principals/Program Administrators 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 Principal/Program Administrator or designee shall provide the lists to staff members under his or her supervision 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, or as authorized by the Executive Director. Requests for information should be referred to the local law enforcement officials or State Police.

**Licensed Teacher Felony Conviction Notification Laws:** On behalf of the Board, the Executive Director, or if the licensed teacher is the Executive Director, the Operational Board Chairperson, shall notify the State Superintendent of Education promptly and in writing of the name of a licensed teacher who was convicted of a felony, along with the conviction and the name and location of the court where the conviction occurred.

On behalf of the Board, the Executive Director, or if the teacher is the Executive Director, the Operational Board Chairperson, shall notify the Teachers' Retirement System (TRS) of the State of Ill. Board of Trustees promptly and in writing when the Cooperative learns that a teacher as defined in the Ill. Pension Code was convicted of a felony, along with the name and location of the court where the conviction occurred, and the case number assigned by that court to the conviction.

**Juvenile Delinquency Adjudication Notifications:** The Executive Director or designee shall contact the Juvenile Division of the County State's Attorney Office(s) having jurisdiction over the Cooperative's school(s) to discuss how the State's Attorney shall inform the Executive Director or designee of any students adjudicated as delinquent minors for offenses that would be felonies and/or certain weapons offenses under the Criminal Code of 2012. 705 ILCS 405/5-901(8), amended by P.A. 102-197. The Executive Director and/or designee(s) shall ensure the dissemination of such information is limited to the Principal/Program Administrator and any school counselor designated by the Principal/Program Administrator. Id.

#### Informing Staff Members and Parents/Guardians About the Law

Program Administrators or their designees shall utilize the parent/student handbook to inform parents/guardians about the availability of information concerning sex offenders. Information should be distributed about the Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, and the Statewide Murderer and Violent Offender Against Youth Registry, <https://isp.illinois.gov/MVOAY/Disclaimer>. Information may also be included in the Student Handbook. See the Sex Offender Community Notification Law, 730 ILCS 152/, and exhibit 4:175-AP1, E1, *Informing Parents/Guardians About Offender Community Notification Laws*.

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

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

The law is silent with regard to *screening* volunteers and individuals in the proximity of a school. *Screening* is not the same as the School Code's requirement to perform a *fingerprint-based criminal history records check* through (a) the ISP for an individual's *Criminal History Records Information* (CHRI), and (b) the FBI's national crime information databases 105 ILCS 5/10-21.9.

Screening involves checking an individual's name and address against the: (1) Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, and (2) the Statewide Murderer and Violent Offender Against Youth Registry maintained by the State Police, <https://isp.illinois.gov/MVOAY/Disclaimer>. 105 ILCS 5/10-21.9(a-5), (a-6).

There are five categories listed below of individuals with the potential to have contact with students at school or at school events.

1. For employees and student teachers, the Executive Director or Program Administrator(s) perform the following tasks:
  - a. Complete the required forms to request the *fingerprint-based criminal history records check*; see 5:30-AP2, *Investigations*. 105 ILCS 5/10-21.9(a).
  - b. Screen the individual's name and address against the: (1) Statewide Sex Offender Registry, <https://isp.illinois.gov/Sor/Disclaimer>, and (2) the Violent Offender Against Youth Registry maintained by the State Police, <https://isp.illinois.gov/MVOAY/Disclaimer>. 105 ILCS 5/10-21.9(a-5), (a-6). This screening must be done for applicants being considered for hire and, if hired, repeatedly at least once every five years that an individual remains employed by the Cooperative.
  - c. Review the lists of sex offenders and violent offenders against youth as the lists are received from law enforcement. If a match is found, the Executive Director immediately contacts the local police officials to confirm or disprove the match. The Executive Director immediately notifies the Operational Board if a match is confirmed. The Operational Board Chairperson will contact the Cooperative Attorney and the Operational Board will take the appropriate action to comply with State law that may include terminating the individual's employment.
  - 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 <https://www.dhs.state.il.us/page.aspx?item=86409>.

If an indicated report by DCFS or by a child welfare agency of another jurisdiction is found, the Board must consider the individual's status as a condition of employment. Contact the Cooperative Attorney for guidance.

- e. Notify the State Superintendent of Education in writing within 10 business days when a fingerprint-based criminal history records check returns a *pending* criminal charge against a license holder for an offense set forth in 105 ILCS 5/21B-80.
  - f. Notify the State Superintendent of Education in writing within 15 business days when a fingerprint-based criminal history records check returns a conviction of a crime set forth in 105 ILCS 5/21B-80 or when publicly-available Illinois offender databases checks find a registration.
2. For students doing field or clinical experience other than student teaching, the Executive Director or Program Administrator(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 contractors' employees, see 4:60-AP3, *Criminal History Records Check of Contractor Employees*; 5:30-AP2, *Investigations*.
  4. For individuals in the proximity of a school or bus stop, the Program Administrator(s) review(s) the lists of sex offenders and violent offenders against youth as they are received from law enforcement. The Program Administrator 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.: 3:40 (Executive Director), 3:50 (Administrative Personnel Other Than the Executive Director), 3:60 (Administrative Responsibility of the Program Administrator/Building Principal), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:30 (Hiring Process and Criteria), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property)

ADMIN. PROC.: 4:60-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-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 Offenders), 8:30-E2 (Child Sex Offender's Request for Permission to Visit School Property)

Updated: 2/2011

Updated: 9/2012

Updated: 8/2013

Re-numbered, re-named & edited from 4:170-AP2: 10/2014

Updated: 9/2015

Updated: 8/2018

Updated: 3/2020

Updated: 3/2021

Updated: 8/2022