

Administrative Procedure - Criminal History Records Check of Contractor Employees

Actor	Action
Firm contracting with the Cooperative, referred to herein as "contractor"	<p>Prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 105 ILCS 5/10-21.9(c) or 5/21B-80(c), both amended by P.A. 101-531.</p> <p>Prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense.</p> <p>Requires each employee who will have direct, daily contact with student(s) to cooperate during the Cooperative's fingerprint-based criminal history records check on him or her. 105 ILCS 5/10-21.9(f).</p> <p>Reimburses the Cooperative for the cost of the fingerprint-based criminal history records check that the Cooperative obtains on each employee of a contractor who will have direct, daily contact with student(s).</p>
Executive Director or designee	<p>Requires that the following paragraph be included in each contract with any firm whenever any employee of the firm will have direct, daily contact with one or more students.</p> <p>The contractor shall not send to any school building or school property any employee or agent who has been convicted of a crime listed in 105 ILCS 5/10-21.9(c) and/or 5/21B-80(c), as amended from time to time, or who is listed in the Ill. Sex Offender Registry or the Ill. Murderer and Violent Offender Against Youth Registry. The contractor shall not send to any school building or school property any employee or agent who has been convicted of a crime listed in 105 ILCS 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense. The contractor shall make every employee who will have direct, daily contact with one or more students available to the Cooperative for the purpose of submitting to a fingerprint-based criminal history records check. The check shall occur before any employee or agent is sent to any school building or school property. The contractor will reimburse the Cooperative for the cost of each check. The Cooperative must also provide a copy of the report to the individual employee of the contractor, but is not authorized to release it to the contractor. Additionally, at least quarterly, the contractor shall check if any of its employees or agents having direct, daily contact with one or more students is listed on the Ill. Sex Offender</p>

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	<p>Registry or the Ill. Murderer and Violent Offender Against Youth Registry.</p> <p>Completes the required forms to request a fingerprint-based criminal history record check on each contractor's employee who will have direct, daily contact with one or more students. 105 ILCS 5/10-21.9(f). See 5:30-AP2, <i>Investigations</i>. Screens the individual's name and address against the: (1) Ill. Sex Offender Registry, https://www.isp.illinois.gov/Sor/Disclaimer, and (2) the Violent Offender Against Youth Registry maintained by the Ill. Dept. of State Police (ISP), https://www.isp.illinois.gov/MVOAY/disclaimer.</p> <p>Whenever a contractor sends an employee who will have direct, daily contact with a student(s) to the Cooperative for the first time, ASKS the contractor:</p> <ol style="list-style-type: none"> 1. Will this employee be assigned to more than one school district or cooperative? IF YES, may request the applicable Regional Superintendent to be responsible for obtaining a fingerprint-based criminal history records check and checking the Statewide Sex Offender Database for each such employee. The Regional Superintendent is required to promptly report to the Cooperative any information concerning the employee's record of conviction and identification as a sex offender. 105 ILCS 5/10-21.9(f). 2. Has another Illinois school district or cooperative already conducted a fingerprint-based criminal history records check on the employee within the last year? IF YES, may request a copy of it for that contractor's employee from the school district or cooperative where the contractor's employee worked or works. The Cooperative may rely on a check done by another school district or cooperative within the last year. 105 ILCS 5/10-21.9(h). <p>Note: State law does not define "within the last year."</p> <p>Upon a request from any school, school district, cooperative, community college district, or private school for a copy of a fingerprint-based criminal history records check for an employee of a contractor, FIRST determines if the Cooperative conducted the check within the last year. IF YES, provides a copy of it to the requesting entity. 105 ILCS 5/10-21.9(f-5).</p> <p>Note: An immunity provision, contained in 20 ILCS 2635/7(A)(3), makes the Cooperative not liable to an individual for its reasonable actions taken in reliance on the individual's Criminal History Records Information (CHRI) report. The Cooperative will lose the immunity if it was notified by the individual or by the ISP that the CHRI report is inaccurate or incomplete.</p>

Cross reference and resource:

1. 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.
2. Fingerprint-based **Criminal History Records Information Check** subhead in 5:30-AP2, *Investigations*.

Implemented: 10/2014

Updated: 8/2018

Updated: 3/2020

Updated: 10/2021