

Operational Services

Administrative Procedure - Criminal History Records Check of Contractor Employees

Use this procedure to implement the *complete criminal history records check* referenced in 5:30-AP2, *Investigations*, that is required when an employee of a contractor will have direct, daily contact with one or more students.

Actor	Action
<p>Firm contracting with the District, referred to herein as "contractor"</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 105 ILCS 5/10-21.9(c) or 5/21B-80(c), amended by P.A. 102-552.</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 District's fingerprint-based criminal history records check on him or her. 105 ILCS 5/10-21.9(f).</p> <p>Reimburses the District for the cost of the fingerprint-based criminal history records check that the District obtains on each employee of a contractor who will have direct, daily contact with student(s).</p> <p>Follows 4:60-AP4, <i>Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees</i>, if the contractor's employees will have <i>direct contact with children or students</i>, as defined by 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23.</p>
<p>Superintendent, Business Manager, or designee</p>	<p>To ensure that a contractor complies with the fingerprint-based criminal history records check under 105 ILCS 5/10-21.9, may require that the following sample language or similar language 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</p>

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<p>Superintendent, Business Manager, or designee, cont'd</p>	<p>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 District 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 District for the cost of each check. The District 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 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, www.isp.illinois.gov/Sor/Disclaimer, and (2) the Violent Offender Against Youth Registry maintained by the Ill. State Police (ISP), www.isp.illinois.gov/MVOAY/Disclaimer. The fingerprint-based criminal history record check and two registry screens constitute the complete criminal history background check that must be conducted under 105 ILCS 5/10-21.9(f), as described in 5:30-AP2, <i>Investigations</i>.</p> <p>Whenever a contractor sends an employee who will have direct, daily contact with a student(s) to the District 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? 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 District 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 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 where the contractor's employee worked or works. The District may rely on a check done by another district within the last year. 105 ILCS 5/10-21.9(f-5). <p>Note: State law does not define "within the last year."</p>

Actor	Action
	<p>Upon a request from any school, school district, 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 District 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 District not liable to an individual for its reasonable actions taken in reliance on the individual's Criminal History Records Information (CHRI) report. The District will lose the immunity if it was notified by the individual or by the ISP that the CHRI report is inaccurate or incomplete.</p>
	<p>Follows 4:60-AP4, <i>Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees</i>, if the contractor's employees will have <i>direct contact with children or students</i>, as defined by 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23.</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: www.isbe.net/Documents/guidance_chr.pdf.
2. **Fingerprint-based Criminal History Records Information Check** subhead in 5:30-AP2, *Investigations*.

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