

Preventing Sexual Misconduct in Schools: What School Board Members and Administrators Need to Know About Faith's Law

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Presented by:

Lisa Leali, Ed.D.

Dawn M. Hinkle, Esq.

Ryan J. Gillespie, Esq.

ECB&S

Engler Callaway
Baasten & Sraga, LLC

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Public Act 102-0676
(Faith's Law, Part 1)

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PUBLIC ACT 102-0676

- Effective December 3, 2021
- Purpose – to strengthen protections against educator sexual misconduct in schools
- Amended the School Code, ANCRA, and the Criminal Code

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School Code Section 22-85.5:

“Sexual misconduct” means any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee or agent of the school district, charter school, or nonpublic school with direct contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to, any of the following:

- (1) A sexual or romantic invitation;
- (2) Dating or soliciting a date;
- (3) Engaging in sexualized or romantic dialog;
- (4) Making sexually suggestive comments directed toward or with a student;
- (5) Self-disclosure or physical exposure of a sexual, romantic, or erotic nature;
- (6) Sexual, indecent, romantic, or erotic contact with a student.

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School Code Section 22-85.5:

To prevent sexual misconduct with students, each school district, charter school, or nonpublic school shall develop an employee code of professional conduct policy that:

- Incorporates the Code of Ethics for Illinois Educators;
- Incorporates the definition of “sexual misconduct;”
- Identifies the expectations for employees and agents regarding how to maintain a professional relationship with students, including the expectations for staff-student boundaries, recognizing the age and developmental level of the students served;

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School Code Section 22-85.5:

To prevent sexual misconduct with students, each school district, charter school, or nonpublic school shall develop an employee code of professional conduct policy that (*cont.*):

- Establishes guidelines for the following situations: transporting a student; taking or possessing a photo or video of a student; and meeting with a student or contacting a student outside of the employee’s or agent’s professional role;
- References reporting requirements under ANCRA and Title IX; and
- References required employee training relative to child abuse and educator ethics.

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School Code Section 22-85.5:

- The employee code of professional conduct policy must be posted on the website, if any, of each school district, charter school, or nonpublic school, and must be included in any staff, student, or parent handbook.
- A violation of the employee code of professional conduct policy may subject an employee to disciplinary action up to and including dismissal from employment.
- Failure to report a violation of the employee code of professional conduct policy may subject an employee to disciplinary action up to and including dismissal from employment.

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Employee Code of Professional Conduct Policy

- PRESS Policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*
 - Important: Note that the policy requires a separate conduct standards document.
- PRESS Admin. Procedure 5:120-AP2, *Employee Conduct Standards*
- PRESS Exhibit 5:120-AP2-E, *Expectations and Guidelines for Employee-Student Boundaries*
- PRESS Exhibit 5:120-E, *Code of Ethics for Illinois Educators*

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**Section 11-25 of the Criminal Code of 2012, as amended by
Public Act 102-0676, effective 6/1/2022:**

- A person commits grooming when he or she knowingly uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission, performs an act in person or by conduct through a third party, or uses written communication to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense as defined in Section 2 of the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child.
- Sentence. Grooming is a Class 4 felony.

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REVISIONS TO ANCRA

- Public Act 102-0676 revised Section 3 of the Abused and Neglected Child Reporting Act
- Updated the definition of “abused child” to include any child who is the victim of grooming as defined in Section 11-25 of the Criminal Code

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RESOURCE GUIDE

- Public Act 102-0676 required ISBE to create a resource guide to provide guidance for parents/guardians, students, and teachers about sexual abuse response and prevention resources available in the community.
- Available at <https://www.isbe.net/Documents/Faiths-Law-Resource-Guide.pdf>

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RESOURCE GUIDE

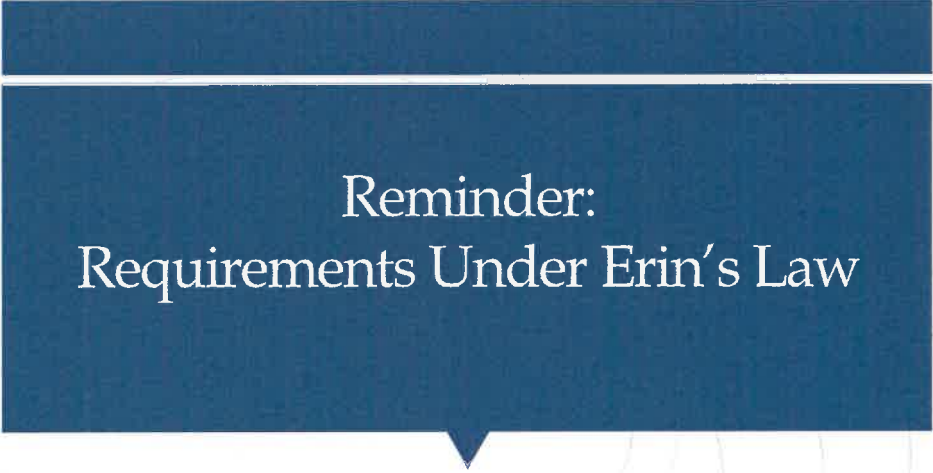
- At the beginning of the school year, each school district, charter school, or nonpublic school shall notify the parents/guardians of enrolled students of the availability of the resource guide.
- Each school district, charter school, or nonpublic school shall furnish the resource guide to a student's parent or guardian at the request of the parent or guardian and may also make the resource guide available on its Internet website.

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TRAINING

- Public Act 102-0676 revised School Code Section 21B-45, addressing the requirements for PEL renewal
- Approved providers shall make available professional development opportunities that satisfy at least one of the following: ...
(11) beginning on July 1, 2022, provide educators with training on the physical and mental health needs of students, student safety, educator ethics, professional conduct, and other topics that address the well-being of students and improve the academic and social-emotional outcomes of students

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Reminder:
Requirements Under Erin's Law

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PUBLIC ACT 102-0610, AMENDMENTS TO ERIN'S LAW

- Amended School Code Section 10-23.13, effective August 27, 2021.
- Requires school districts to adopt and implement a policy addressing sexual abuse of children, to include:
 - An age-appropriate and evidence-informed curriculum for students in pre-K through 12th grade;
 - Evidence-informed training for school personnel on child sexual abuse;
 - Evidence-informed educational information to parents/guardians (provided in the school handbook) on the warning signs of a child being abused, along with resource information;
 - Available counseling and resources for students affected by sexual abuse; and
 - Emotional and educational support for success in school.

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PUBLIC ACT 102-0610, AMENDMENTS TO ERIN'S LAW

- Requires evidence-informed training for school personnel on preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior, including when the grooming or abuse is committed by a member of the school community, with a discussion of the criminal statutes addressing sexual conduct between school personnel and students, professional conduct, and reporting requirements.
- School districts must provide the training no later than January 31 of each year.

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IMPLEMENTING ERIN'S LAW

- PRESS Policy 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*
- States that the Superintendent or designee shall implement an Awareness and Prevention of Sexual Abuse and Grooming Behaviors Program.
- Identifies the required elements of the Program, including education for students, training for employees, and information to be provided to parents/guardians.

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Public Act 102-0702

(Faith's Law, Part 2)

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PUBLIC ACT 102-0702

- Effective July 1, 2023.
- Imposed new requirements on public and non-public elementary and secondary schools and school contractors aimed at preventing sexual misconduct by current and prospective employees.

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PUBLIC ACT 102-0702

- Key components of the expanded Faith's Law include:
 - Reporting Requirements
 - Student and Parent/Guardian Notification
 - Employment History Reviews
 - Responses to Employment History Review Inquiries
 - Record-keeping
 - Requirements for Substitute Employees and Contractors
 - Bargaining/Legal Considerations

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Reporting Requirements

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REPORTING REQUIREMENTS

- Amends *School Code* Section 10-21.9 to require the superintendent of a public school district to notify the State Superintendent and Regional Superintendent if there is reasonable cause to believe a license holder committed “sexual misconduct” (defined in *School Code* Section 22-85.5) toward a student that resulted in the license holder’s dismissal or resignation. 105 ILCS 5/10-21.9(e-5).

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REPORTING REQUIREMENTS

- Updates Section 21B-75 of the *School Code* to allow the State Superintendent to suspend or revoke a teacher’s license for committing an act of “sexual misconduct” toward a student (as defined in *School Code* Section 22-85.5). 105 ILCS 5/21B-75(b).

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How is it determined and by whom whether Faith's Law reporting requirements are triggered?

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ISBE'S FAITH'S LAW GUIDANCE & FAQ

- A school, through its administration or school board, would determine whether there is sufficient evidence to find that a current or former employee committed an act of "sexual misconduct" as defined in *School Code* Section 22-85.5.

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Student and Parent/Guardian Notification

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NOTIFICATIONS REQUIRED

- Amends *School Code* Section 85.10 to require schools to implement a procedure under which notice is provided to the parent/guardian of an enrolled student (unless 18 years old or emancipated) with whom an employee or contractor is alleged to have engaged in sexual misconduct of the alleged misconduct and any action taken. 105 ILCS 5/22-85.10.
 - Note: if the student has a disability, such notice cannot conflict with the student's IEP or Section 504 plan.
 - Notice does not require disclosure of the employee/contractor's name.

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STUDENT NOTIFICATION

- Before notification of the student's parents or guardians, notification must be provided to the student in a developmentally appropriate manner and include:
 - That notice will be given to the student's parents or guardians;
 - What information will be included in the notice to the parents or guardians;
 - Available resources for the student within the school and community; and
 - Beginning July 1, 2025, the name and contact information for the school's domestic and sexual violence and parenting resource coordinator.
- Notification must be provided "as soon as feasible."

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PARENT/GUARDIAN NOTIFICATION

- After the student is notified, the student's parents/guardians must be notified in writing of the allegation of sexual misconduct, advised of available resources for the student, and, beginning July 1, 2025, provided the name and contact information for the school's domestic and sexual violence and parenting resource coordinator.
- Notification must be provided "as soon as feasible."

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NOTIFICATION OF ACTION TAKEN

- Notice must be provided to the parents/guardians when formal action is taken against the employee following the school's investigation into an allegation of sexual misconduct, including whether the employee was terminated, or the employee's resignation was accepted.
- Notification must be provided "as soon as feasible."
- Notice does not require disclosure of the perpetrator's name.

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NOTIFICATION OF ACTION TAKEN

- Notice to the parents/guardians must include:
 - What action was taken in response to the alleged sexual misconduct;
 - Whether a report was or will be submitted to the State Superintendent and Regional Superintendent; and
 - Available resources for the student and, beginning on July 1, 2025, the name and contact information for the school's domestic and sexual violence and parenting resource coordinator.
- If the student is no longer enrolled at the time formal action is taken, written notice to the student's last known address is sufficient.

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EXCEPTIONS

- Notification to the student prior to the parents or guardians is not required if there is an imminent risk of serious physical injury or death of a student or another person.
 - Notice must still be provided as soon as practicable.
- Notification is not required if the student's parent or guardian is the alleged perpetrator of the misconduct.
- Notification is not required if the student is not enrolled when the allegation is made.

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Does the accused employee need to be notified of the investigation?

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ISBE'S FAITH'S LAW GUIDANCE & FAQ

- Under Faith's Law, notice to the accused is not required – only to the student and the student's parent/guardian. However, consult Board policies and applicable collective bargaining agreements.
- Any notice provided to an employee would be pursuant to Board policy or CBA provisions pertaining to procedures for investigations of employee misconduct.
- However, note general due process requirements.

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Should ISBE be notified if formal action is taken against an alleged perpetrator?

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105 ILCS 5/10-21.9(e-5)

Pursuant to *School Code* Section 10-21.9(e-5), the superintendent of the employing school board or administrator of a charter school shall provide written notification to the State Superintendent and the applicable ROE/ISC of any license holder whom the superintendent has reasonable cause to believe has committed an act of sexual misconduct as defined in Section 22-85.5, and the act resulted in the license holder's dismissal or resignation. This notification must be submitted within 30 days after the dismissal or resignation and must include the license holder's IEIN and a brief description of the alleged misconduct.

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Employment History Reviews

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EMPLOYMENT HISTORY REVIEWS

- Public and nonpublic schools and contractors must conduct an employment history review of applicants for employment who will have “direct contact with children or students.” 105 ILCS 5/22-94.
 - This employment history review is in addition to conducting any required criminal background check on a prospective employee.
 - “Direct contact with children or students” means the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students.

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105 ILCS 5/22-94:

Prior to hiring an applicant to work directly with children or students, a school or contractor must ensure that the following criteria are met:

- Confirm it has no knowledge of information that would disqualify the applicant.
- Require applicants to swear or affirm they are not disqualified.
- Require applicants to complete an ISBE template form that includes:
 - Current employer and former employers at which the applicant had direct contact with children or students;
 - Authorization for current and former employers to disclose certain information;
 - Written statement regarding whether the applicant was ever the subject of sexual misconduct allegations, asked to resign, disciplined, or terminated due to such an allegation, or ever had their license suspended or revoked due to such an allegation.
- Contact employers.

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ISBE TEMPLATE FORMS

- Available at <https://www.isbe.net/faithslaw>
- For the applicant: “Sexual Misconduct Disclosure Form”
- For the applicant and current/former employers:
 - “Authorization for Release of Sexual Misconduct-Related Information and Current/Formal Employer Response”
 - This form must be completed multiple times if the applicant has multiple current or former employers involving direct contact with children or students
 - See ISBE’s Faith’s Law Guidance & FAQ (issued 6/12/23, revised 8/12/23)

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Must I request information from every employer that a new employee has ever worked for?

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105 ILCS 5/22-94:

The applicant must provide a list of, and the hiring school district or cooperative must contact:

1. The applicant's current employer(s); and
2. All former employers of the applicant that were schools or school contractors, as well as all former employers at which the applicant had direct contact with children or students.

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Isn't there some time limit on the "past employer" requirement?

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105 ILCS 5/22-94:

The applicant must provide a list of, and the hiring school district or cooperative must contact:

1. The applicant's current employer(s); and
2. All former employers of the applicant that were schools or school contractors, as well as all former employers at which the applicant had direct contact with children or students.

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If we know a teacher or paraprofessional works for a different school district (or employer with access to children) over the summer, do we have to go through the employment history review steps?

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105 ILCS 5/22-94:

“Prior to hiring an applicant to work directly with children or students, a school or contractor must ensure that the following criteria are met:”

- ▣ Confirm it has no knowledge of information that would disqualify the applicant.
- ▣ Require applicants to swear or affirm they are not disqualified.
- ▣ Require applicants to complete an ISBE template form that includes:
 - Current employer and former employers at which the applicant had direct contact with children or students;
 - Authorization for current and former employers to disclose certain information;
 - Written **statement** of whether the applicant was ever the subject of sexual misconduct allegations, asked to resign, disciplined, or terminated due to such an allegation, or ever had their license suspended or revoked due to such an allegation.
- ▣ Contact employers.

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Can an applicant start while we go through the process?

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105 ILCS 5/22-94:

- “Prior to hiring an applicant to work directly with children or students, a school or contractor must ensure that the following criteria are met:...(4) The school or contractor shall **initiate** a review of the employment history of the applicant by contacting those employers listed by the applicant...”
- “A school or contractor may not hire an applicant who does not provide the information required under subsection (c) for a position involving direct contact with children or students.”

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Can we hire an applicant whose former employers don't respond?

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ISBE'S FAITH'S LAW GUIDANCE & FAQ

- Yes. At a minimum, the school or contractor needs to (1) obtain from the applicant copies of both ISBE forms, and (2) send the response form to the applicant's current and former employers. However, there is no mechanism in the statute to force employers to respond.
- Schools should review each situation on a case-by-case basis.
- But – if the applicant fails to respond, they cannot be hired. *See* 105 ILCS 5/22-94(e).

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Why wouldn't a former employer respond?

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1. The applicant's current or former employer is not subject to the requirements of Faith's Law (e.g., does not fit the definition of a school or school contractor).
2. The laws of another state prohibit the release of the information or records requested.
3. Release of the information or records requested is restricted by a contract that was entered into prior to the law's effective date of July 1, 2023.

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Do we have to follow the applicant review process for everyone we hire?

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105 ILCS 5/22-94:

- “This Section applies to all permanent and temporary positions for employment with a school or a contractor of a school involving direct contact with children or students.”
- “Prior to hiring an applicant to work directly with children or students, a school or contractor must” conduct an employment history review.
- “Direct contact with children or students” means “the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students.”

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Can we require the applicant to
provide the information from ELIS?

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105 ILCS 5/22-94:

“For applicants licensed by the State Board of Education, the school district, charter school, or nonpublic school shall verify the applicant’s reported previous employers with previous employers in the State Board of Education’s educator licensure database to ensure accuracy.”

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When we’re asked to provide information,
do we just complete the ISBE form?

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105 ILCS 5/22-94:

“No later than 20 days after receiving a request for information..., an employer who has or had an employment relationship with the applicant shall disclose the information requested...The employer who has or had an employment relationship with the applicant shall disclose the information on the template developed by the State Board of Education. For any affirmative response., the employer who has or had an employment relationship with the applicant shall provide additional information about the matters disclosed **and all related records.**”

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105 ILCS 5/22-94:

“Unless the laws of another state prevent the release of the information or records requested or disclosure is restricted by the terms of a contract entered into prior to the effective date of this Act..., and notwithstanding any other provisions of law to the contrary, an employer, school, school administrator, contractor, or applicant shall report and disclose, in accordance with this Section, all relevant information, records, and documentation that may otherwise be confidential.”

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EXCEPTION: FALSE, UNFOUNDED OR UNSUBSTANTIATED ALLEGATIONS

- Pursuant to School Code Section 22-94, if, after an investigation, an allegation of sexual misconduct is found to be false, unfounded, or unsubstantiated, the school or school contractor does not need to include it in their response or provide any related records for an employment history review.
- An investigation (rather than an *ad hoc* assessment) must have taken place as a prerequisite to this exception.

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Should we conduct employment history reviews for internal transfer applicants?

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105 ILCS 5/22-94(k):

“An applicant who has undergone an employment history review under Section 22-94 and seeks to transfer to or provide services to another school in the same school district, diocese, or religious jurisdiction, or to another school established and supervised by the same organization is not required to obtain additional reports before transferring.”

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Do we need to maintain employment history review forms?

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- Yes. A school or contractor shall maintain records documenting employment history reviews as part of the employee's personnel file. If the school or contractor completes an investigation after an employee's separation from employment, the school shall update the information accordingly. *See* 105 ILCS 5/22-94(e); (j).
- Applies to employment history reviews where the school or contractor is seeking information from, or providing information to, another employer.

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Contractors and Substitutes

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CONTRACTORS AND SUBSTITUTES

- An employment history review is required for each permanent and temporary position for employment (with a school or a school contractor) involving direct contact with children or students.
- A “contractor” is defined as a firm holding contracts with any school including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct contact with children or students.

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CONTRACTORS

- For employees of contractors, the employment history review shall be performed, either at the time of the initial hiring of an employee or prior to the assignment of an existing employee to perform work for a school in a position involving direct contact with children or students.
- The employment history review shall remain valid as long as the employee remains employed by the same contractor, even if assigned to perform work for other schools.

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CONTRACTORS

- A contractor shall maintain records documenting employment history reviews for all employees and, upon request, shall provide a school for whom an employee is assigned to perform work access to the records pertaining to that employee.
- The contractor may not assign an employee to perform work for a school in a position involving direct contact with children or students if the school objects to the assignment after being informed of an instance that must be reported.

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CONTRACTORS

Implementation recommendations:

- For existing contracts, provide notices to contractors of their obligations under Faith's Law.
- For each new or renewed contract, include a provision addressing the contractor's obligations for compliance with Faith's Law.

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SUBSTITUTES

- For a substitute employee who is in direct contact with children, the employment history review is required prior to the initial hiring and remains valid as long as the substitute is employed by the same school or remains on the school's approved substitute list.
- An applicant who has undergone an employment history review and seeks to transfer or provide services to another school in the same school district (or to another school established and supervised by the same organization) is not required to obtain additional reports before transferring.

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Bargaining and Other Legal Considerations

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Can we negotiate changes to the process?

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105 ILCS 5/22-94:

- Beginning on July 1, 2023, a school or contractor may not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or take any action that:
 - Suppresses information concerning an investigation in which an allegation of sexual misconduct was substantiated;
 - Affects the ability of the school or contractor to report suspected sexual misconduct; or
 - Requires the school or contractor to expunge information about allegations or findings of sexual misconduct, unless, after an investigation, an allegation is found to be false, unfounded, or unsubstantiated.
- Any provision of an employment contract or agreement executed after July 1, 2023 contrary to this section is void and unenforceable.

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105 ILCS 5/22-94:

However, 105 ILCS 5/22-94(l)(4) specifically states that Faith's Law does not prohibit an exclusive bargaining representative under a collective bargaining agreement from grieving and arbitrating the validity of an employee's **termination** or discipline for just cause.

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Can't we be sued for releasing
information about employee misconduct?

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105 ILCS 5/22-94:

The applicant must sign a written authorization that:

- “Consents to and authorizes disclosure by the applicant’s current and former employers” of the relevant information and records; and
- “Releases those employers from any liability that may arise from such disclosure or release of records.”

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105 ILCS 5/22-94:

“An employer, school, school administrator, or contractor who provides information or records about a current or former employee or applicant under this Section is immune from criminal and civil liability for the disclosure of the information or records, unless the information or records provided were knowingly false. This immunity shall be in addition to and not a limitation on any other immunity provided by law or any absolute or conditional privileges applicable to the disclosure by virtue of the circumstances or the applicant’s consent to the disclosure and shall extend to any circumstances when the employer, school, school administrator, or contractor in good faith shares findings of sexual misconduct with another employer.”

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Scenarios for Discussion

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Scenario 1

- A school district is accepting applications for three positions at an elementary school building: (1) a 3rd grade teacher; (2) a food service worker; and (3) a summer maintenance worker position. Does the district need to conduct an employment history review for these positions?

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Scenario 2

- A school district is hiring a social worker who is currently employed by a behavioral health facility. Even though the applicant completed the required ISBE forms, the behavioral health facility refuses to complete the form or otherwise cooperate with the school district's employment history review inquiry. Can the applicant be hired?

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Scenario 3

- On May 15, 2023, a school district received an allegation that a high school teacher was exchanging texts and Snapchats of a romantic nature with a student. The teacher resigned immediately and now has another teaching job. The actual content of the texts and Snapchats is not known to the district. The student refused to cooperate with the investigation and the results were inconclusive.
 - Does the school district need to report the allegation to ISBE?
 - Does this incident need to be reported on a future employment history review?

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Scenario 4

- A school district is in negotiations with its teachers' union. The union makes a proposal that would require the school district to remove from an employee's personnel file any records/references to misconduct after three years have elapsed. Can/should the school district agree to this proposal? What are the relevant considerations?

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Scenario 5

- School District A receives a request from School District B for employment history information relating to a teacher formerly employed by School District A. The teacher was the subject of sexual misconduct allegations, and disclosure is required. Records relating to the allegations include notices to the teacher, witness statements, administrator notes, and emails between administrators and School District A's attorney. What records should be produced to School District B?

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**ILLINOIS STATE BOARD OF EDUCATION SEXUAL MISCONDUCT DISCLOSURE TEMPLATE
FOR APPLICANT**

Instructions to Applicant: To help protect students and children against the threat of sexual misconduct, Illinois law (105 ILCS 5/22-94) requires that we conduct a sexual misconduct background check on certain applicants for hire. Therefore, you are required to complete this standardized form, which is based on a template developed by the Illinois State Board of Education (ISBE). You will be required to provide the names, contact information, and other relevant information related to your current/former employer(s) on a separate form, also based on a template developed by ISBE. You will complete one such form for each current/former employer for whom you held a position involving direct contact with children or students.

You must complete this form promptly and return it to (the hiring entity). A copy of this form will be retained by (the hiring entity), but the information provided on this form shall not be deemed a public record.

Section 1: Applicant Information

Name: (First, Middle, Last):	Any Former Names by Which Applicant Has Been Identified:
Date of Birth:	Last Four Digits of Social Security Number:
IEIN (if applicable):	Email:
Street Address:	City, State, ZIP

Section 2: Questionnaire

For purposes of the three questions below, the term "sexual misconduct," as defined in 105 ILCS 5/22-85.5 (sexual misconduct), means any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity that (1) you committed as an employee or agent of a school district, charter school, or nonpublic school during which time you engaged in or had the possibility of engaging in the care, supervision, guidance, or control of or routine interaction with students; and (2) was directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to:

- 1) A sexual or romantic invitation;
- 2) Dating or soliciting a date;
- 3) Engaging in sexualized or romantic dialog;
- 4) Making sexually suggestive comments that were directed toward or with a student;
- 5) Self-disclosure or physical exposure of a sexual, romantic, or erotic nature; and
- 6) A sexual, indecent, romantic, or erotic contact with the student.

1.	Have you ever been the subject of an allegation of sexual misconduct? Note: Check "No" if an investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.	☐ Yes ☐ No
2.	Have you ever been discharged from, been asked to resign from, resigned from, or otherwise been separated from any employment; been disciplined by an employer; or had an employment contract not renewed due to an adjudication or finding of sexual misconduct, or while an allegation of sexual misconduct against you was pending or under investigation? Note: Check "No" if an investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.	☐ Yes ☐ No
3.	Have you ever had a license or certificate suspended, surrendered, or revoked; or had an application for licensure, approval, or endorsement denied due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct against you was pending or under investigation? Note: Check "No" if an investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.	☐ Yes ☐ No

Section 3: Applicant Certification

I have read and understand the contents of this Sexual Misconduct Disclosure Form. I also understand that completion of this form does not preclude the hiring entity from performing other background checks (such as reference checks, criminal history background checks, and the like) in accordance with the hiring entity's policy and/or as required by state statute for a particular position. I understand and agree that any false information I provide on this form or any willful failure to disclose information required on this form shall subject me to discipline, up to and including termination or denial of employment. By signing this form, I certify that the statements made in this form are correct, complete, and true to the best of my knowledge and I swear or affirm that I am not disqualified from employment.

Signature

Printed Name

Date

AUTHORIZATION FOR RELEASE OF SEXUAL MISCONDUCT-RELATED INFORMATION
AND CURRENT/FORMER EMPLOYER RESPONSE TEMPLATE

This standardized form is based on a template developed by the Illinois State Board of Education (ISBE) pursuant to 105 ILCS 5/22-94 of the Illinois School Code. This completed form and any information or records received by the hiring entity shall not be considered public records.

Instructions for Applicant:

Complete one form for each current employer (if any). Additionally, complete one form for each former employer that falls within any of the categories below:

1. A public or nonpublic elementary or secondary school.
2. An employer that, at the time of your employment, contracted with a public or nonpublic elementary or secondary school to provide services, including, but not limited to, employers that provided food services, bus services, or other transportation services. This category applies only if, as part of your employment with the employer, you had engaged in -- or there was the possibility that you would engage in -- the care, supervision, guidance, control of, or routine interaction with children or students.
3. Any other employer for which you, as part of your employment with the employer, did engage in or had the possibility of engaging in the care, supervision, guidance, control of or routine interaction with children or students.

Please be advised that if you are licensed by ISBE, the hiring entity is required to verify the employment history you report by checking ISBE's educator licensure database. The responses the hiring entity receives from your current and former employers will be used to evaluate your fitness to be hired or for continued employment. An applicant who provides false information or willfully fails to disclose information shall be subject to denial of employment, or if already hired, shall be subject to discipline, up to and including termination.

Section 1: Hiring Entity Information *(to be completed by Hiring Entity)*

Hiring Entity's Name:	Contact Person:
Address:	City, State, ZIP
Telephone Number:	Email:
Sent to Current/Former Employer By (insert name): On (insert date):	Received at Hiring Entity: By (insert name): On (insert date):

Section 2: Applicant Information *(to be completed by Applicant)*

Name: (First, Middle, Last):	Any former names by which the Applicant has been identified:
Date of Birth:	Last Four Digits of Social Security Number:
IEIN (if applicable):	Email:
Street Address:	City, State, ZIP:

Section 3: Current/Former Employer Information *(to be completed by Applicant)*

Employer:	Contact Person:
Address:	City, State, ZIP
Telephone Number:	Email:
Position Held:	Approximate Dates of Employment:

Section 4: Authorization for Disclosure of Employment Information and Release of Employer Liability *(to be completed by Applicant)*

By signing this form, I do hereby authorize my current/former employer identified in Section 3, above, to disclose to the hiring entity identified in Section 1, above, the following information and any records related to that information:

1. The dates of my current/former employment;
2. A statement as to whether I have ever been the subject of an allegation of "sexual misconduct," as defined in 105 ILCS 5/22-85.5 (Sexual Misconduct), (unless a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated);
3. A statement as to whether I have ever been discharged from, been asked to resign from, resigned from, or otherwise been separated from any employment; been disciplined by the employer; or had an employment contract not renewed due to an adjudication or finding of Sexual Misconduct, or while an allegation of Sexual Misconduct against me was pending or under investigation (unless a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated);
4. A statement as to whether I have ever had a license or certificate suspended, surrendered, or revoked; or had an application for licensure, approval, or endorsement denied due to an adjudication or finding of Sexual Misconduct or while an allegation of Sexual Misconduct against me was pending or under investigation (unless a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated); and
5. Any other pertinent records, documentation, or information related to items 2 through 4 above.

Further, by signing this form, I do hereby release my current/former employer identified in Section 3, above, from any criminal or civil liability that may arise from the disclosure of information and records authorized under this Section 4 to the extent such release is permitted by law.

Applicant Signature

Printed Name

Date

Section 5: Information Request *(to be completed by Applicant's current or former employer)*

This form must be completed and returned to the hiring entity listed in Section 1 within 20 days of receipt.

Position held by Applicant:	Dates of Employment:
Person Completing Form:	Title:
Telephone Number:	Email:

For purposes of the following requests, the term "sexual misconduct," as defined in 105 ILCS 5/22-85.5 (Sexual Misconduct), means any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, that:

1. Applicant committed as an employee or agent of a school district, charter school, or nonpublic school during which time Applicant engaged in or had the possibility of engaging in the care, supervision, guidance, control of or routine interaction with students; and
2. Was directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to, any of the following:
 - a. A sexual or romantic invitation;
 - b. Dating or soliciting a date;
 - c. Engaging in sexualized or romantic dialog;
 - d. Making sexually suggestive comments that were directed toward or with a student;
 - e. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature; and
 - f. A sexual, indecent, romantic, or erotic contact with the student.

1.	To the best of your knowledge, has Applicant ever been the subject of an allegation of Sexual Misconduct? Check no if a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.	☐ Yes* ☐ No or ☐ I have no records or other evidence pertaining to this question. I have no knowledge of information pertaining to the Applicant that would disqualify Applicant from employment.
2.	To the best of your knowledge, has Applicant ever been discharged from, been asked to resign from, resigned from, or otherwise been separated from any employment; been disciplined by you (the employer); or had an employment contract not renewed due to an adjudication or finding of Sexual Misconduct, or while an allegation of Sexual Misconduct against Applicant was pending or under investigation? Check no if a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.	☐ Yes* ☐ No or ☐ I have no records or other evidence pertaining to this question. I have no knowledge of information pertaining to the Applicant that would disqualify Applicant from employment.
3.	To the best of your knowledge, has Applicant ever had a license or certificate suspended, surrendered, or revoked; or had an application for licensure, approval, or endorsement denied due to an adjudication or finding of Sexual Misconduct or while an allegation of Sexual Misconduct against Applicant was pending or under investigation? Check no if a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.	☐ Yes* ☐ No or ☐ I have no records or other evidence pertaining to this question. I have no knowledge of information pertaining to the Applicant that would disqualify Applicant from employment.

*If your answer to any of the above questions is "yes", you must provide any records and information in your control or possession related to the affirmative response. Please provide the information in the space below and attach any responsive records to this form. Additional pages of information may be attached.

I have read and understand the contents of this form. I certify that, to the best of my knowledge, the responses provided above are accurate, and the records provided in connection with these responses are true and correct.

Current/Former Employer Signature

Printed Name/Title

Date

The law will require public and nonpublic schools and contractors to conduct an employment history review of applicants for employment who will have “direct contact with children or students.” This employment history review is in addition to conducting any required criminal background check. Specifically, the law provides that prior to hiring an applicant who will have direct contact with children or students, the school or contractor must:

- Confirm it has no knowledge of information that would disqualify the applicant from employment;
 - Require applicants to swear or affirm they are not disqualified from employment;
 - Require applicants to complete a template form that will be developed by ISBE that includes all of the following:
 - A list of the applicant’s current employers
 - All former employers that were school or school contractors at which the applicant had direct contact with children or students;
 - Authorization by the applicant for current and former employers to release certain information related to the applicant's employment;
 - A written statement of whether the applicant was ever the subject of a sexual misconduct allegation, asked to resign, disciplined, or terminated as the result of a sexual misconduct allegation, or ever had their license suspended or revoked as a result of a sexual misconduct allegation. This information must be disclosed by the applicant unless the allegations were determined unfounded.
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- Also applies to substitute employees
 - Contractors are required to conduct same employment history review and inform school of any instances involving their employees – schools can object to placement after receiving information

