

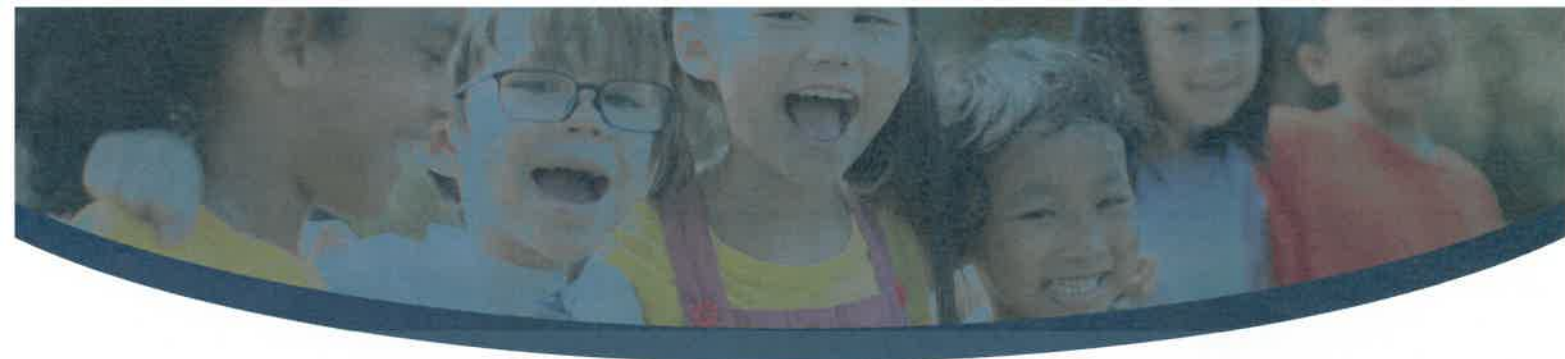
Sexual Abuse Response and Prevention Resource Guide

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isbe.net



Illinois
State Board of
Education



Sexual Abuse Response and Prevention Resource Guide

Pursuant to Public Act 102-0676, [105 ILCS 5/2-3.188](#)¹

Whether you are a student, parent or guardian, or an educator, this resource guide was developed to help you know where to find help in the event sexual abuse is suspected, reported, and/or being investigated. Being the support person to a victim of sexual abuse can create secondary trauma, and it's important to seek appropriate help and support not only for the primary victim but for yourself as well. Conversely, if you are the victim of abuse and feel unsupported by the adults in your life, help and hope are available.

All children have the right to grow up in safe and healthy communities that have welcoming and nurturing schools. Unfortunately, statistics point to child sexual abuse as a prevalent and ongoing issue that impacts thousands of children in Illinois each year². Sixty-six percent of sexually abused children are between the ages of 12 and 17, according to the Rape, Abuse, and Incest National Network³. Most guardians believe teaching their children not to talk to strangers will keep their children safe⁴. Sadly, statistics also show us that 93% of victims will know and trust their assailant. Studies have shown us that one in 10 students will be a victim of educator misconduct⁵ and one in four athletes report having been sexually assaulted or harassed within their sport with 65% reporting a coach or a trainer as the source of said sexual violence⁶. We also now know that thousands of children have been abused under the care of their church leaders, youth leaders and Scout leaders. These numbers are alarming, but educating adults and students alike gives us the hope that prevention is possible, and that victims can heal when given access to proper services.

School communities with child sexual abuse response and prevention policies in place tend to have lower rates of bullying, mental health struggles, suicide, and both online and in-person peer harassment⁷. Students who feel supported by responsive adults are more likely to come forward earlier about a harmful experience. Parents/guardians are key in supporting their children after abuse.

Parents/guardians may not know the indicators of a child being abused, and they may not feel prepared if their child discloses abuse to them. If a child in your care discloses abuse, know that help is available. That is why this resource guide was created. Report the abuse by calling 800-25-ABUSE (800-252-2873). If an Illinois Department

¹<https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=102-0676>

²Illinois Department of Children and Family Services "Six - Year Statistics on Child Protective Services: from 2/28/23: <https://dcfs.illinois.gov/content/dam/soi/en/web/dcfs/documents/about-us/reports-and-statistics/documents/ess-protective-services.pdf>

³<https://www.rainn.org/statistics/children-and-teens>

⁴<https://www.rainn.org/statistics/children-and-teens>

⁵<https://www.ojp.gov/pdffiles1/nij/grants/252484.pdf>

⁶https://uscenterforsafesport.org/wp-content/uploads/2021/07/CultureClimateSurvey_ExternalReport_071421_Final.pdf

⁷CDC "What works in Sexual Health Education": <https://www.cdc.gov/healthyouth/whatworks/what-works-sexual-health-education.htm>

of Children and Family Services (DCFS) investigation is initiated, the local Child Advocacy Center will coordinate the next steps and keep you informed. Sexual assault centers (also sometimes referred to as rape crisis centers) are a free resource to find sexual violence services in Illinois, and each center has a 24/7 hotline. Visit the Illinois Coalition Against Sexual Assault (ICASA) [website](#)⁸ or Appendix 2 of this report to find where centers are located.

Illinois has a wealth of resources that parents/guardians, students, and school personnel can turn to for help with sexual abuse. The following sections outline five categories of resources that are available statewide, with contact information for local offices included in two additional appendices at the conclusion of this document. Please contact ISBE's Faith's Law team at faithslaw@isbe.net if you have any questions about this guide. This guide is pursuant to legislation has been enacted in Illinois recently to improve how schools handle allegations of sexual misconduct by a school employee. Please visit ISBE's [Faith's Law webpage](#)⁹ for more information, including ISBE's [Faith's Law FAQ and Guidance](#) document.

Accredited Children's Advocacy Centers of Illinois

Children's Advocacy Centers (CACs) of Illinois partner with local law enforcement and DCFS to support children and work towards ensuring children's safety. CACs help children feel more comfortable during an investigative process, while supporting them and their caregivers. All CACs provide the same 10 minimum services in accordance with the National Children's Alliance Accreditation Standards. These 10 standards are as follows: Multidisciplinary Team Response, Diversity, Forensic Interviewing, Victim Support and Advocacy, Forensic Medical Evaluation, Evidenced-Based Mental Health, Case Review, Case Tracking, Organizational Capacity and Child Protection. At a CAC, a child tells their experiences to a trained interviewer who knows the right questions to ask in a way that does not retraumatize the child. Then, a team which includes medical professionals, law enforcement, mental health, prosecution, child protective services, victim advocacy, and other professionals makes decisions collaboratively about how to help the child based on the forensic interview. CACs offer therapy and medical exams, plus courtroom preparation, victim advocacy, case management, and other services. This is called a multidisciplinary team response and is a core part of the work of CACs. All CAC services are completely free. A [map](#)¹⁰ of Children's Advocacy Centers, along with contact information, can be found on [the Children's Advocacy Centers of Illinois website](#)¹¹. The name, locations, list of services offered, and contact information of all CACs in Illinois is also included in Appendix 1 of this resource guide.

Illinois Sexual Assault Centers

Sexual assault centers provide free and confidential services to survivors of sexual violence. The services include trauma-informed counseling, and medical and legal advocacy. Staff at sexual assault centers believe and work with survivors. Services are available to any survivor regardless of age, race, gender identification or sexual orientation. The response can begin immediately through 24-hour hotlines and 24-hour response to hospital emergency rooms or years after the assault. Services can be provided in-person or virtually. Centers also provide sexual violence prevention programming to schools, community organizations, and other groups. A list of sexual assault centers in Illinois can be found at www.icasa.org. The name, locations, list of services offered, and contact information of all ICASA centers in Illinois is also included in Appendix 2 of this resource guide.

⁸<https://www.icasa.org/>

⁹<https://www.isbe.net/pages/faiths-law.aspx>

¹⁰<https://www.childrensadvocacycentersofillinois.org/about/mapV2>

¹¹<https://www.childrensadvocacycentersofillinois.org/>

Mental Health Evaluation and Services for Victims

Mental health services are available to survivors and their families who are alongside them in their healing journey. It is the intention of this section to expand on the mental health evaluation and service resources available through Children's Advocacy Centers and Illinois sexual assault centers, described earlier in this guide and in Appendices 1 and 2.

988

If you or someone you know is experiencing a mental health crisis or thoughts of suicide, call or text 988 to reach the Suicide and Crisis Lifeline. The [988 Suicide and Crisis Lifeline](https://988lifeline.org/)¹² is a national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, seven days a week in the United States.

Safe2Help Illinois

The state of Illinois has developed a school safety program called Safe2Help Illinois in an effort to raise awareness of 21st-century threats facing schoolchildren in Illinois. Safe2Help Illinois is a 24/7 program in which students can use a free app, text/phone, and [website](https://www.safe2helpil.com/)¹³ to share information on school safety issues. Once vetted, that information will be shared with local district and school officials and/or local PSAP/911 call center, depending on the nature of the information shared. Call: 844-4-SAFEIL (844-472-3345), text SAFE2 (72332), or email: HELP@Safe2HelpIL.com.

Accessing mental health care in Illinois schools is best done by contacting the school or district's support personnel – usually a school social worker, school counselor, or school psychologist. The role of these individuals is to support students and families with a variety of services related to mental health, accessing care in and outside of the school, and occasionally crisis intervention. Sometimes school support personnel may provide a student with individual therapy sessions during the school day, but typically they support the student and family in obtaining needed services outside of the school.

Funding mental health care is different for every family. As noted earlier, CACs and Illinois sexual assault centers provide therapy and counseling to survivors at no cost. Many Illinois families rely on Medicaid for their health insurance coverage, which includes behavioral health care. More information about this coverage is included on an [Illinois Healthcare and Family Services website](https://hfs.illinois.gov/medicalproviders/behavioral/communitybasedbehavioralhealthservices.html)¹⁴. Individuals with private insurance have access to private providers that they may access by calling their insurance company for a referral or via a referral from a primary care physician to someone in their network. Also, parents/guardians may have access to services from an Employee Assistance Program associated with their workplace that could provide linkage and referral to therapy services for their children, or the entire family unit.

¹²<https://988lifeline.org/>

¹³<https://www.safe2helpil.com/>

¹⁴<https://hfs.illinois.gov/medicalproviders/behavioral/communitybasedbehavioralhealthservices.html>

The Service Provider Identification & Exploration Resource¹⁵ (SPIDER) SPIDER is a free, comprehensive resource identification database for the state of Illinois. SPIDER connects service providers, individuals, families, and communities to useful and timely social service resources. It includes detailed information on more than 1,700 agencies and over 4,200 social service programs. The SPIDER link contains contact information and a list of the services offered by organizations that provide mental health evaluations and services to victims and the families of victims of child sexual abuse. All agencies and programs are geo-coded to allow users to locate programs near them. The application is a collaborative effort sponsored by the DCFS, with data maintenance and user support provided by the Northwestern University/Hospital Feinberg School of Medicine, technology resources provided by the Illinois Department of Innovation and Technology, and information provided by countless child and family welfare service providers across the state of Illinois. Users can conduct searches on SPIDER by language, including English, Spanish, and Polish. PLEASE NOTE: The information listed in the SPIDER is solely based on self-reported information provided by the respective agencies and programs.

The Illinois Department of Human Services Division of Mental Health¹⁶ has a number of additional resources for accessing mental health services, partners, resources and support, including contact information and a list of the services offered by organizations that provide mental health evaluations and services to victims and the families of victims of child sexual abuse. Additional mental health providers are listed by the division's [Office Locator webpage¹⁷](#).

Domestic Violence

Domestic violence is a type of violence that is sometimes related to child sexual abuse. Similar to sexual assault centers and Children's Advocacy Centers, there are dedicated domestic violence service provider organizations in Illinois providing counseling to children and families impacted by this issue. Visit the website of the **Illinois Coalition Against Domestic Violence** to find a [full listing¹⁸](#) of domestic violence service agencies by county or call the Illinois Domestic Violence Hotline at 1-877-863-6338.

Additional considerations

Members of the Faith's Law Resource Guide workgroup have put together the following list of considerations that may be helpful to students and families as they seek mental health services for child sexual abuse:

- Child sexual abuse, whether it happens once or many times, is a form of trauma. More information about trauma and child sexual abuse can be found on the [National Child Traumatic Stress Network¹⁹](#) and the [Administration of Children and Families websites²⁰](#). It is important when looking for a mental health provider to find someone who has experience treating trauma survivors. Consider asking potential providers about their experience working with people who have experienced trauma or sexual abuse as part of your or your family's process in screening and selecting a provider for your child.
- Cultural competency is important in the therapeutic relationship. A therapist or counselor should have training and experience working with cultures other than their own, and demonstrate a desire to continually grow their own competence in working with diverse communities. More information about the link between trauma therapy and cultural competence is available also from the [National Child Traumatic Stress Network²¹](#).
- The Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/, provides that children 12 years of age or older may request and receive up to eight 90-minute sessions (previously five 45-minute sessions) of professional counseling services or psychotherapy (provided by a clinical psychologist) without the consent of the child's parent, guardian, or person in loco parentis. 405 ILCS 5/3-550.
- Children and families seeking mental health treatment should feel empowered to seek a new therapist or different treatment provider if their current provider is not a good fit.

Medical Evaluations and Treatment Available for Victims of Child Sexual Abuse

Survivors of child sexual abuse seeking medical care should visit their local hospital emergency department and the staff will provide immediate medical attention. It may be beneficial for survivors to seek medical treatment because they may have injuries they are unaware of. Survivors may also have been exposed to sexually transmitted infections or, if applicable to their body, be at risk of pregnancy.

Sexual assault center advocates can help you navigate the medical services offered to survivors. Medical care is available to protect a survivor's health and to collect evidence of the assault. If a survivor goes to the emergency room, the survivor can choose to have a physical exam, medical treatment, and collection of evidence process. Sexual assault center advocates can come to a hospital, if the survivor wishes, and stay with the survivor throughout the process to answer questions and provide support. The advocate can also help the survivor navigate the post-exam process of follow-up care and make sure the survivor is not billed for emergency room services.

The local hospital emergency department staff will provide immediate medical attention. However, not all emergency departments offer evidence collection by medical personnel who specialize in sexual assault services. In some cases, a survivor will be offered a transfer to a hospital that is approved to perform sexual assault evidence collection. Those approved hospitals will also provide a voucher that can cover the cost of follow-up care. The Sexual Assault Survivors Emergency Treatment Act (SASETA) (410 ILCS 70/) governs the medical care provided to any survivor of sexual assault visiting any emergency room in Illinois. More information about this law, including a listing of hospitals and the type of approved plan they have on file with the Illinois Department of Public Health (IDPH), can be accessed by visiting an [IDPH webpage](#)²². This page includes updated contact information and a list of the services offered by organizations approved by the State of Illinois to provide medical evaluations and treatment to victims of child sexual abuse.

Consent forms may be signed during a visit to a hospital with an approved plan under SASETA to allow the medical personnel to examine, treat, administer medication, collect evidence, and to release information to the police. Survivors of any age can consent to medical treatment for sexual assault/abuse and evidence collection, but only survivors 13 and older can consent to releasing evidence for testing. A medical provider [Note: while this is often a nurse (SANE), it could also be a physician or physician assistant (SAFE) or child abuse pediatrician] will explain the exam procedures to the survivor and will be present throughout the exam. More information about SASETA is available on the Illinois [Attorney General's website](#)²³.

¹⁵<https://spider.dcfs.illinois.gov/>

¹⁶<https://www.dhs.state.il.us/page.aspx?item=29735>

¹⁷<https://www.dhs.state.il.us/page.aspx?module=12>

¹⁸<https://www.ilcadv.org/get-help/>

¹⁹<https://www.nctsn.org/what-is-child-trauma/trauma-types/sexual-abuse>

²⁰<https://www.acf.hhs.gov/trauma-toolkit/victims-sexual-abuse>

²¹<https://www.nctsn.org/resources/culture-and-trauma-brief-promoting-culturally-competent-trauma-informed-practices>

²²<https://dph.illinois.gov/topics-services/health-care-regulation/hospitals/saseta.html>

²³https://ag.state.il.us/victims/saimplementationtaskforce/OAG_Medical_Forensic_Exam_Brochure_12.27.2021.pdf

Legal Assistance and Advocacy on Behalf of Victims

The Illinois Attorney General's Office has a wealth of legal resources for survivors of sexual abuse and their families on its website, including a section dedicated to information about [sexual assault](#)²⁴. Information is also provided about the [Crime Victim Compensation Program](#)²⁵ in Illinois. Another section of the attorney general's website, [Rights of the People](#)²⁶, has information to help members of the public learn more about their civil rights. This section includes information about [immigration rights](#)²⁷, [disability rights](#)²⁷, and others. Additionally, the attorney general maintains [a list](#)²⁹ of referral resources across the state for those seeking legal assistance.

The Illinois State Board of Education (ISBE) helps to implement a number of laws that are in place to assist vulnerable populations with school stability. Students and families experiencing homelessness have [specialized support available](#)³⁰ in Illinois schools, as do students who are considered [Youth in Care](#)³¹ because they are under the guardianship of the DCFS. Additionally, the Ensuring Success in School law was passed specifically to support student survivors of sexual assault in Illinois schools, and an [ISBE task force](#)³² is working on a report about this law as of the writing of this resource guide. Finally, [ISBE's Student Care Department](#)³³ maintains [a list](#)³⁴ of legal advocacy resources that may be able to provide free or reduced-price legal representation for Illinois school students. This list includes contact information of organizations that offer legal assistance to victims of child sexual abuse.

Sexual assault centers offer legal advocacy to survivors. The support can begin during the sexual assault emergency exam at the hospital and continue through the entirety of the judicial system. Advocates are available to help a survivor understand and protect the survivor's rights during all phases of the legal process. If the survivor chooses to participate in the process of prosecution, the advocate can assist the survivor in meeting with and asking questions of law enforcement. Advocates can also work with the survivors to obtain civil legal remedies, such as a Civil No Contact Order. The services are free and confidential.

Children's Advocacy Centers (CACs) include multidisciplinary teams made up of law enforcement, child protective services, prosecutors, and family advocates. Family advocates are CAC staff that help survivors and their supporters navigate the aftermath of abuse within the multidisciplinary team. Appendix 1 and 2, respectively, contain the listings for CACs and sexual assault centers across the state.

²⁴<https://illinoisattorneygeneral.gov/safer-communities/Responding-to-Sexual-Assault/>

²⁵<https://illinoisattorneygeneral.gov/safer-communities/supporting-victims-of-crime/>

²⁶<https://www.illinoisattorneygeneral.gov/Rights-of-the-People/>

²⁷<https://illinoisattorneygeneral.gov/rights-of-the-people/civil-rights/immigration/>

²⁸<https://illinoisattorneygeneral.gov/rights-of-the-people/disability-rights/>

²⁹<https://illinoisattorneygeneral.gov/Legal-Assistance-Referrals/index>

³⁰<https://www.isbe.net/homeless>

³¹<https://www.isbe.net/Pages/YouthInCare.aspx>

³²<https://www.isbe.net/Pages/ESS-Task-Force.aspx>

³³<https://www.isbe.net/student-care>

³⁴<https://www.isbe.net/Documents/Legal-Advocacy-Resources.pdf>

Thank you to the many stakeholders across Illinois who contributed to the writing of this guide. Questions about Faith’s Law or this document can be directed to faithslaw@isbe.net.

Appendices

Appendix 1 – Children’s Advocacy Centers

Appendix 2 – Sexual Assault Centers

Children's Advocacy Centers

Each center provides services in Multidisciplinary Team Response, Diversity, Forensic Interviewing, Victim Support and Advocacy, Forensic Medical Evaluation, Evidenced Based Mental Health, Case Review, Case Tracking, Organizational Capacity and Child Protection.

Center Name	Address	City	Zip	Phone	Website	Email	Counties Served
April House	101 E. Main St.	Morrison	61270	815-772-5286	https://aprilhouse.org/	carrie@aprilhouse.org	Whiteside
Braveheart Children's Advocacy Center	292 South East Rd. Ste. A	Cambridge	61238	309-937-5663	https://braveheartcac.org/	jackie@braveheartcac.org	Henry, Bureau, Stark, Putnum, Marshall
Carrie Lynn Children's Advocacy Center	826 North Main Street.	Rockford	61103	815-319-4150	http://carrie-lynn.org/	KPomahac@Carrie-Lynn.org	Winnebago, Boone
Child Network	171 North West Ave.	Bradley	60915	815-936-7372	https://www.childnetwork.org/	Info@ChildNetwork.org	Kankakee, Iroquois
Dani-Brandom Center	603 East Etna Rd.	Ottawa	61350	815-433-0411	NA	lasallecacdirector@mchsi.com	LaSalle
Jeanine Nicarico Children's Advocacy Center 422 North County Farm Road	422 North County Farm Road	Wheaton	60187	630-407-2750	https://www.dupagecounty.gov/elected_officials/state_s_attorney/children_s_center/#collapse43812b0	Catherine.Hundley@dupageco.org	DuPage
Family Service Agency's Children's Advocacy Center of DeKalb County	1325 Sycamore Rd.	DeKalb	60115	815-758-8616	https://fsadekalbcounty.org/programs/childrens-advocacy-center/	info@fsadekalbcounty.org	DeKalb
Grundy County Child Advocacy Center	111 E. Washington	Morrison	60450	815-9413-192	NA	tjahn@grandycountyil.gov	Grundy
Kane County Child Advocacy Center	427 West Campbell St.	Geneva	60134	630-208-5160	NA	kanecac@co.kane.il.us	Kane

Center Name	Address	City	Zip	Phone	Website	Email	Counties Served
Kendall County Children's Advocacy Center	807 W. John St.	Yorkville		630-533-4157	https://www.kendallcountyil.gov/offices/state-s-attorney/about-the-state-s-attorney/children-s-advocacy-center	BKarales@co.kendall.il.us	Kendall
Lake County Children's Advocacy Center	123 North O'Plaine Road	Gurnee	60031	847-377-3155	https://friendsofcccac.org/	info@friendsofcccac.org	Lake
Child Advocacy Center of McHenry County Inc.	1 S. Virginia St.	Crystal Lake	60014	815-334-9597	https://mchenrycac.org/	mmarinier@mchenrycac.org	McHenry
Mercer County Children's Advocacy Center	110 N. West Third Ave.	Aledo	61231	309-582-7233	https://mcfcc.com/what-is-the-child-advocacy-center/	kim@mcfcc.com	Mercer
Rock Island County Children's Advocacy Center	734 20th St.	Rock Island	61201	309-794-6451	https://www.riccac.org/	cac@riccac.org	Rock Island
Shining Star Children's Center	215 East 1st St., Ste 110	Dixon	61021	815-2841891	https://shiningstarcac.com/	jcash@shiningstarcac.org	Lee, Ogle
Tyler's Justice Center for Children	400 West Front St.	Stockton	61085	815-9476030	https://www.tylersjusticecenter.org/	suzanne.lueker@outlook.com	Jo Davies, Carroll, Stephenson
Will County Children's Advocacy Center	304 N. Scott St.	Joliet		815-774-4565	https://www.willcountycac.org/	cac@willcountyillinois.com	Will
All Our Children's Advocacy Center	8651 South 79th Ave.	Justice		708-233-1176	https://www.aocac.org/	danielleb.cacswcc@gmail.com	Cook
Chicago Children's Advocacy Center	1240 South Damen Ave.	Chicago		312-492-3700	https://www.chicagocac.org/	Info@ChicagoCAC.org	Cook

Center Name	Address	City	Zip	Phone	Website	Email	Counties Served
LaRabida Children's Advocacy Center	200 Lakewood Blvd.	Park Forest	60466	708-481-9799 x232	https://larabida.org/cherry-services/child-abuse-and-trauma/	aapostal@larabida.org	Cook
Children's Advocacy Center of North & Northwest Cook Co.	640 Illinois Blvd.	Hoffman Estates	60169	847-885-0100	https://www.cachelps.org/	Info@cachelps.org	Cook
Proviso Children's Advocacy Center	1820 South 25th Ave.	Broadview	60155	708-338-3910	NA	sherri.lau@ascension.org	Cook
Advocacy Network for Children	1420 Harrison	Quincy	62301	217-223-2272	https://advonet.org/	tshackelford@advonet.org	Adams, Hancock, Pike, McDonough, Schuyler, Brown, Scott, Cass, Morgan
Champaign County Children's Advocacy Center	201 West Kenyon Road, Ste. 1	Champaign	61820	217-384-1266	https://champaigncac.com/	CACmail@co.champaign.il.us	Champaign, Ford
Child 1st Center	800 E. Clay	Decatur	62522	217-422-6293	https://child1stcenter.org/	mccac4kids@aol.com	Macon, Piatt
Children's Advocacy Center of East Central Illinois	119 W. State St.	Charleston	61920	217-345-8250	https://caceci.org/	childadvocacy@consolidated.net	Coles, Douglas, Edgar, Clark, Cumberland, Jasper, Effingham, Fayette, Shelby, Moultrie
Fulton-Mason Crisis Service	1330 E. Ash St.	Canton	61520	309-647-7487	NA	p_todd99@yahoo.com	Fulton

Center Name	Address	City	Zip	Phone	Website	Email	Counties Served
Knox County Child Advocacy Center	139 South Cherry	Galesburg	61401	309-647-7487	https://www.paladincac.org/	director@paladincac.org	Knox, Warren, Henderson
Children's Advocacy Center of McLean County	200 West Front St., 5th Floor	Bloomington	61701	309-888-5656	https://www.mcleancountyil.gov/125/Child-Advocacy-Center-CAC-CASA	molly.evans@mcleancountyil.gov	McLean, Livingston, DeWitt
Peoria County Children's Advocacy Center	501 East Gift Ave.	Peoria	61603	309-669-2900	https://www.peoriacounty.gov/688/Childrens-Advocacy-Center	CAC@peoriacounty.org	Peoria
Sangamon County Child Advocacy Center	1001 East Monroe St.	Springfield	62703	217-522-2241	https://co.sangamon.il.us/departments/a-c/child-advocacy-center	Denise.Johnson@sangamonil.gov	Sangamon, Christian, Menard, Logan
Tazewell County Children's Advocacy Center	341 Buena Vista	Pekin	61554	309-347-6001	https://www.tazewellcac.org/	tazewellcountycac@gmail.com	Tazewell, Mason
Unified Child's Advocacy Network	101 N. State St.	Jerseyville	62052	618-639-8222	https://www.unifiedchildadvocacy.org/	tlrcher@unifiedadvocacy.org	Calhoun, Green, Jersey, Macoupin, Montgomery
Vermillion County Children's Advocacy Center	200 S. College St.	Danville	61832	217-806-4800	https://www.vermonty.org/child-advocacy/	Bferber@vermonty.org	Vermillion
Amy Schulz Child Advocacy Center	500 Fairfield Rd.	Mt. Vernon	62864	618-224-2100	http://www.amycenter.mvn.net/	Keith_ascac@outlook.com	Jefferson, Washington, Clinton, Marion, Clay, Wayne, Hamilton

Center Name	Address	City	Zip	Phone	Website	Email	Counties Served
Guardian Center	1124 Oak St.	Carmi	62821	618-382-8247	https://www.theguardiancenter.org/	swoodham@theguardiancenter.org	White, Saline, Gallatin, Edwards, Wabash, Richland, Lawrence, Crawford
Madison County Child Advocacy Center	101 East Edwardsville Rd.	Wood River	62095	618-296-5390	https://www.madisoncountyiil.gov/departments/child_advocacy_center/index.php	childadvocacy@madisoncountyiil.gov	Madison, Bond
Perry-Jackson Child Advocacy Center	5512 State Route 154	Pinckneyville	62274	618-357-2990	https://perryjacksoncac.com/	picac@perryjacksoncac.com	Perry, Jackson
St. Clair County Child Advocacy Center	300 West Main, Ste. 3	Belleville	62220	618-277-1134	https://www.stclairchildadvocacycenter.org/	st.claircac@sbcglobal.net	St. Clair, Monroe, Randolph
Two Rivers Child Advocacy Center	109 Denny Dr.	Anna	62906	618-833-7470	http://www.tworiverscac.org/	jedmonds@tworiverscac.org	Union, Johnson, Pope, Hardin, Massac, Pulaski, Alexander
Franklin-Williamson Child Advocacy Center	501 South 14th St.	Herrin	62948	618-942-3800	https://www.franklinwilliamsoncac.org/	advocate@franklinwilliamsoncac.org	Franklin, Williamson

Sexual Assault Centers

Each center provides services in Advocacy, Counseling, Prevention & 24-hr hotline.

Center Name	Address	City	Zip	Phone	Website	Email
Northwest Center Against Sexual Assault	415 W. Golf Rd., Ste 47	Arlington Heights	60005	847-806-6526	www.nwcasa.org	cestrada@nwcasa.org
* Northwest CASA at the Heartwood Center	1818 Dempster St.	Evanston	60202	847-806-6526		asynnestvedt@nwcasa.org
* The CARE Center of McHenry County	4508 Prime Parkway	McHenry	60050	815-671-4004		office@nwcasa.org
Mutual Ground, Inc.	418 Oak Avenue	Aurora	60506	630-897-0084	www.mutualground.org	mmeyer@mutualground.org
Stepping Stones Sexual Assault Services - YWCA McLean County	1201 N. Hershey Rd.	Bloomington	61704	309-585-3618	www.ywcamclean.org	jgolliday@ywcamclean.org
Survivor Empowerment Center	610 S. Thompson St.	Carbondale	62901	618-549-4807	www.eeempoweringsurvivors.org	executivedirector@empoweringsurvivors.org
* Survivor Empowerment Center - Bonan Business Center	540 N. Commercial Dr., Ste 320	Harrisburg	62946	618-294-8641		executivedirector@empoweringsurvivors.org
* Survivor Empowerment Center	1111 Anker Dr.	Marion	62959	618-993-0803		executivedirector@empoweringsurvivors.org
* Survivor Empowerment Center	309 E. Jackson St.	Carbondale	62901	618-549-4807		executivedirector@empoweringsurvivors.org

Center Name	Address	City	Zip	Phone	Website	Email
Sexual Assault Counseling & Information Service (SACIS)	825 18th St., Ste 409	Charleston	61920	217-348-5033	www.sacis.org	sacis@sacis.org
* Counseling & Information for Sexual Assault/Abuse (CAISA)	205 E. Main St	Olney	62450	618-879-2130		elizabeth.caixa@sacis.org
* Counseling & Information for Sexual Assault/Abuse (CAISA)	10499 N. State Hwy 1, Ste 1	Robinson	62454	618-544-9379		caixa@caixa.org
Mujeres Latinas En Accion	2124 W. 21st Place	Chicago	60608	773-890-7676	www.mujereslatinasenaccion.org	neusa@mujereslat.org
* Mujeres Latinas En Accion - North Riverside	7222 W. Cermak Rd., Ste 509	North Riverside	60546	708-442-1299		Imaldonado@mujereslat.org
* Mujeres Latinas En Accion - Brighton Park	4700 S. California Ave.	Chicago	60623	773-890-8621		sgarcia@mujereslat.org
Resilience	180 N. Michigan Ave., Ste 600	Chicago	60601	312-443-9603	www.ourresilience.org	info@ourresilience.org
* Resilience - Stroger Hospital Satellite Office - Fantus Health Center	1901 W. Harrison, Rm 1699	Chicago	60612	312-443-9603		info@ourresilience.org
* Resilience - Austin Community Satellite	4909 W. Division St., Ste 407	Chicago	60651	312-443-9603		info@ourresilience.org
* Resilience - Northside Satellite Office	1945 W. Wilson Ave., Ste 6110	Chicago	60640	312-443-9603		info@ourresilience.org

Center Name	Address	City	Zip	Phone	Website	Email
YWCA Metropolitan Chicago Sexual Violence & Support Services & Rise Children's Center	1340 S. Damen Ave., Mezzanine Ste. C	Chicago	60608	312-733-2102	www.ywcachicago.org	
* YWCA Patterson & McDaniel Family Center	2055 W. Army Trail Rd., Ste 140	Addison	60101	630-790-6600		
* YWCA Cynthia B. Lafuente Center	2754 W. Fullerton Ave.	Chicago	60647	773-862-3100		logan.square@ywcachicago.org
* YWCA Laura Parks and Mildred Francis Center	6600 S. Cottage Grove Ave.	Chicago	60637	773-955-3100		
* YWCA Englewood Satellite Office	641 W. 63rd St., LL #34-35	Chicago	60621	773-783-1031		
* YWCA South Suburban Center	320 W. 202nd St.	Chicago Heights	60411	708-754-0486		
* YWCA Roseland Center	839 W. 115th St.	Chicago	60643	708-302-2040		
Survivor Resource Center	27 N. Vermilion St.	Danville	61832	217-446-1337	www.survivorresourcecenter.org	msheridan@thesrc.org
* Survivor Resource Center	108 S. Central St.	Paris	61944	217-463-6477		ecadvocate@suryivorresourcecenter.org
Growing Strong Sexual Assault Center	270 W. Prairie Ave.	Decatur	62523	217-482-0770	www.growingstrongcenter.org	growingstrong@growingstrongcenter.org
Safe Passage, Inc.	312 S. 4th St.	DeKalb	60115	815-756-7930	www.safepassagedv.org	mschaid@safepassagedv.org

Center Name	Address	City	Zip	Phone	Website	Email
* Safe Passage, Inc.	156 W. State St.	Sycamore	60178	815-756-7930		
* Safe Passage, Inc.	708 E. Railroad St.	Sandwich	60548	815-756-7930		
Community Crisis Center	37 S. Geneva	Elgin	60120	847-742-4088	www.crisiscenter.org	kcecil@crisiscenter.org
VOICES of Stephenson County	660 W. Stephenson St.	Freeport	61032	815-232-7200	www.voicesofsc.org	bmaskell@voicesofsc.org
Riverview Center	11358 Industrial Dr., Ste 2	Galena	61036	815-777-8155	www.riverviewcenter.org	gwen@riverviewcenter.org
* Riverview Center - Carroll County Satellite	855 S. Mill St., Ste 200	Mt. Carroll	61053	815-244-7704		
Zacharias Sexual Abuse Center	4275 Old Grand Ave.	Gurnee	60031	847-244-1187	www.Zcenter.org	swilliams@zcenter.org
* Zacharias Sexual Abuse Center	4232 Dempster St.	Skokie	60076	847-972-1790		swilliams@zcenter.org
Pillars Community Health	8020 W. 87th St.	Hickory Hills	60457	708-995-3858	www.pchcares.org	lpagan@pchcares.org
* The Filmore Center	6918 Windsor	Berwyn	60402	708-995-3535		lpagan@pchcares.org
Sexual Assault Service Center - Guardian Angel Community Services	168 N. Ottawa St.	Joliet	60432	815-729-0930	www.gacsprograms.org	dpplier@gacsprograms.org
* Guardian Angel Community Services - Grundy County Office	201 Liberty St., Ste 252	Morris	60450	815-941-2261		dpplier@gacsprograms.org

Center Name	Address	City	Zip	Phone	Website	Email
* Guardian Angel Community Services - Plainfield Office	24047 W. Lockport St., Ste 201T	Plainfield	60435	815-641-1352		dpier@gacsprograms.org
* Guardian Angel Community Services - Crete Office	722 W. Exchange St.	Crete	60417	815-729-1535		dpier@gacsprograms.org
Clove Alliance	1440 W. Court St.	Kankakee	60901	815-321-7273	www.clovealliance.org	tracey@clovealliance.org
* Clove Alliance - Watseka Office	1801 N. State Route 1, Ste 3	Watsaka	60970	815-432-2779		tracey@clovealliance.org
* Clove Alliance - Paxton Office	124 W. State St.	Paxton	60957			tracey@clovealliance.org
Western Illinois Regional Council/Community Action Agency - Victim Services	P. O. Box 157	Macomb	61455	309-836-2148	www.wirpc.org/victim-services	deborah@wirpc.org
* Victim Services - Sexual Assault Program - Knox County Satellite - WIRC/CAA	311 E. Main St., Ste 505	Galesburg	61401	309-343-3337		deborah@wirpc.org
* WIRC/CAA - Fulton county Satellite Office	114 S. Main St.	Cuba	61427	309-333-1934		deborah@wirpc.org
Center for Prevention of Abuse - Sexual Assault Services	720 W. Joan Court	Peoria	61614	309-691-0551	www.centerforpreventionofabuse.org	jboland@centerforpreventionofabuse.org
Freedom House, Inc.	440 Elm Place	Princeton	61356	815-872-0087	www.freedomhouseillinois.org	mwhitmer@freedomhouseillinois.com
* Freedom House, Inc.	544 Tenney St., Ste 1	Kewanee	61443	309-852-4008		mwhitmer@freedomhouseillinois.com

Center Name	Address	City	Zip	Phone	Website	Email
Survivor Services Department - Family Resources, Inc.	1521 47th Avenue	Moline	61265	563-468-2384	www.famres.org	alysee@famres.org
* Survivor Services Department - Family Resources, Inc.	1 Montgomery Dr.	Moline	61265	563-468-2384		alysee@famres.org
Quanada Sexual Assault Program	1900 Harrison St.	Quincy	62301	217-223-2030	www.quanada.org	mcarpenter@quanada.org
* Quanada in Pike County	941 W. Washington	Pittsfield	62363	217-285-6119		pquanada@adams.net
* Quanada - Brown County Satellite Office	111 W. Washington St.	Mt. Sterling	62353	217-242-3889		brownschuyler@quanada.org
* Quanada - Schuyler Satellite Office	114 N. Congress St.	Rushville	62681	217-242-3889		brownschuyler@quanada.org
Rockford Sexual Assault Counseling	5301 E. State St., Ste 301	Rockford	61108	815-636-9811	www.rockfordsexualassaultcounseling.org	eeengler@rsacil.com
* Rockford Sexual Assault Counseling	860 Biester Dr., Ste 205	Belvidere	61008	815-544-6821		par6281@aol.com
* Rockford Sexual Assault Counseling	412 W. Washington	Oregon	61061	815-732-0000		mpauley@rsacil.com
Prairie Center Against Sexual Assault	3 W. Old State Capitol, Ste 206	Springfield	62701	217-744-2560	www.prairiecasa.org	cferree@prairiecasa.org
* Prairie Center Against Sexual Assault	208 S. Mauvaisterre St.	Jacksonville	62650	217-243-7330		ajoy@prairiecasa.org

Center Name	Address	City	Zip	Phone	Website	Email
* Prairie Center Against Sexual Assault	215 W. Main Cross	Taylorville	62568	217-824-9895		jodyclark@prairiecenter.org
YWCA of the Sauk Valley	412 First Ave.	Sterling	61081	815-625-0333	www.ywsauk.org	rmunoz-ripley@ywsauk.org
* YWCA of the Sauk Valley	98 S. Galena Ave.	Dixon	61021	815-288-1232		rmunoz-ripley@ywsauk.org
Safe Journeys	510 N. Bloomington St.	Streator	61364	815-673-1522	www.safejourneysillinois.org	susanb@safejourneysillinois.org
* Safe Journeys - Pontiac Outreach	308 E. Torrance Ave.	Pontiac	61764	815-844-0982		
* Safe Journeys - Ottawa Office	633 LaSalle St., Ste 403	Ottawa	61350	815-673-1552		susanb@safejourneysillinois.org
* Safe Journeys	2823 Fourth St.	Peru	61354	815-673-1552		susanb@safejourneysillinois.org
Metro East Every Survivor Counts	28 Bronze Point, Ste B	Swansea	62226	618-397-0975	www.metroeasteveryurvivorcounts.org	metroeast.every.survivor.counts@gmail.com
* Metro East Every Survivor Counts	3129 State St.	East St. Louis	62205	618-271-8990		sharrell@metroeasteveryurvivorcounts.org
* Metro East Every Survivor Counts	535 Edwardsville Rd., Ste 120	Troy	62294	618-667-3350		ejurke@metroeasteveryurvivorcounts.org
Rape, Advocacy, Counseling & Education Services (RACES)	301 S. Vine, Ste 211	Urbana	61801	217-344-6298	www.cu-races.org	executive.director@cu-races.org

Center Name	Address	City	Zip	Phone	Website	Email
Sexual Assault & Family Emergencies	1410 Sunset Dr., Ste G	Vandalia	62471	618-283-1414	www.safecrisiscenter.org	safe@safecrisiscenter.org
* Sexual Assault & Family Emergencies	730 E. 2nd St.	Centralia	62801	618-283-1414		safe@safecrisiscenter.org
* Sexual Assault & Family Emergencies	1901 S. 4th St.	Effingham	62401	618-283-1414		safe@safecrisiscenter.org
* Sexual Assault & Family Emergencies	4114 N. Water Tower Place, Ste G	Mt. Vernon	62864	618-283-1414		safe@safecrisiscenter.org
* Sexual Assault & Family Emergencies	276 N. Main St.	Breese	62230	618-283-1414		safe@safecrisiscenter.org
Arab American Family Services	7000 W. 111th St.	Worth	60482	708-599-2237	www.aafsil.org	ishalabi@aafsil.org / ntaha@aafsil.org

Faith's Law Guidance & FAQ

Questions? faithslaw@isbe.net

June 12, 2023

isbe.net



**Illinois
State Board of
Education**

This information is provided as a resource and does not constitute legal advice.

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Faith's Law and Sexual Misconduct in Schools Guidance and FAQ

What is Faith's Law?

Faith's Law is named after prevention advocate and child sexual abuse survivor Faith Colson, who graduated from an Illinois high school in the early 2000s. Faith was sexually abused by a teacher at her high school. Years later, during the course of legal proceedings related to the abuse, Faith learned that several adults within her high school suspected that the teacher's relationship with her was inappropriate but did not take appropriate action to report their concerns. As a result of her experiences, Faith pushed for change to state laws related to educator sexual misconduct in K-12 schools.

Faith's Law was passed by the 102nd General Assembly as two separate pieces of legislation. The first legislation, [Public Act 102-0676](#), took effect on December 3, 2021,¹ and, for the first time, established the definition of sexual misconduct within the School Code. It further outlined the requirements for schools to develop and post employee code of professional conduct policies, which were to include the definition of sexual misconduct, and required ISBE to develop a [resource guide](#) for schools to make available to pupils, parents/guardians, and teachers. Public Act 102-0676 also expanded the definition of "grooming" in the Illinois Criminal Code, added "grooming" to the list of conduct that qualifies a child as an "abused child" under the Abused and Neglected Child Reporting Act, and added professional development training opportunities for employees seeking to renew their professional educator license.

The second legislation, [Public Act 102-0702](#), will take effect on July 1, 2023. It focuses on the prevention of "sexual misconduct" as defined in the first part of the legislation (Public Act 102-0676) by school employees, substitute employees, and employees of contractors. Specifically, the Act adds employment history reviews as part of the hiring and vetting process, requires notices to be provided to parents/guardians and the applicable student when there's an alleged act of sexual misconduct, and makes other changes to the process schools must follow when handling allegations of sexual misconduct. Public Act 102-0702 also adds that if a district superintendent has any reasonable cause to believe a license holder has committed an act of sexual misconduct, the superintendent must report this information to the state superintendent of education and the applicable regional superintendent of schools. Further, the state superintendent can initiate the process to revoke or suspend a license, endorsement, or approval issued under Article 21B for reasons including sexual misconduct. The ultimate goals of Public Act 102-0702 are to give parents/guardians notice regarding allegations of sexual misconduct that involve their student; equip schools across Illinois with better information regarding the employment history of an applicant or employee of a contractor; give schools the resources necessary to make well-informed decisions about who they are employing/contracting with; and protect students from acts of sexual misconduct by school employees, substitute employees, and employees of contractors.

¹ While the effective date of Public Act 102-0676 was December 3, 2021, various provisions of the Act became applicable later. See the following three pages for more information regarding the implementation dates of certain aspects of the Act.

What changes or new requirements were made as a result of Faith's Law and what are their effective/implementation dates?

The first legislative part of Faith's Law (102-0676) was effective as of December 3, 2021, but it's critical to note that some of the requirements under 102-0676 were not implemented upon passage of the Act.

The requirements that became effective immediately on December 3, 2021, include:

- 1) Expanding the definition of "grooming" in Section 11-25 of the Criminal Code of 2012 to include in-person acts, any conduct through a third party, and written communication; and
- 2) Adding grooming as defined in the Criminal Code to the list of conduct that qualifies a child as an "abused child" under the Abused and Neglected Child Reporting Act.

Any requirements with a delayed implementation date are described in greater detail below.

The second legislative part of Faith's Law (Public Act 102-0702) is effective on July 1, 2023, and most of the requirements under that Act are to be implemented when the law takes effect.

In addition to the changes described in this guidance document, Public Act 102-0702 makes changes to Section 26A-30 of the School Code, which will take effect on July 1, 2025, and generally outlines school districts' obligations with respect to the confidentiality and disclosure of information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, or a student who is a named perpetrator of domestic or sexual violence. Faith's Law created an exception so that the provisions of Section 26A-30 do not apply to notification of parents or guardians if the perpetrator of the alleged sexual misconduct is an employee, agent, or contractor of a school district, charter school, or nonpublic school with direct contact with children or students.

Public Act 102-0702 also creates an exception under the Personnel Records Review Act. Specifically, under the Personnel Records Review Act, an employer is typically required to delete disciplinary reports, letters of reprimand, or other records of disciplinary action which are more than four years old before disclosing to a third party, unless the disclosure is ordered to a party in a legal action or arbitration. Faith's Law carves out an exception so that school districts² can share information related to sexual misconduct as defined in Section 22-85.5(c) of the School Code.

Changes/Requirements That Were to be Implemented by July 1, 2022 (Public Act 102-0676)

- 1) Approved providers of professional development listed under 105 ILCS 5/21B-45(g) must provide educators with professional development opportunities that satisfy at least one of a list of topics, which now includes training on the physical and mental health needs of students, student safety, educator ethics, professional conduct, and other topics that

² We note that only school districts and not charter schools or private schools are exempt from these requirements. Charter schools and nonpublic schools should consult with legal counsel to determine whether disciplinary records that are more than four years old need to be disclosed. See [Public Act 102-0676](#) and [Public Act 102-0702](#).

address the well-being of students and improve the academic and social-emotional outcomes of students. See [105 ILCS 5/21B-45\(h\)\(11\)](#).

- 2) The definition of "sexual misconduct" becomes applicable. Section 22-85.5(c) defines "sexual misconduct" as:
 - a) 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:
 - b) A sexual or romantic invitation.
 - c) Dating or soliciting a date.
 - d) Engaging in sexualized or romantic dialog.
 - e) Making sexually suggestive comments that are directed toward or with a student.
 - f) Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
 - g) A sexual, indecent, romantic, or erotic contact with a student.
- 3) To prevent sexual misconduct with students, each school district, charter school, or nonpublic school shall develop an employee code of professional conduct policy. (See **Employee Code of Professional Conduct Policy** below for more details.) See [105 ILCS 5/22-85.5\(d\)](#).

Changes/Requirements to be Implemented by July 1, 2023 (Public Acts 102-0676 & 102-0702)

- 1) ISBE will develop and maintain a [resource guide](#) that will be available on its website and include guidance for pupils, parents or guardians, and teachers about sexual abuse responses and prevention resources available in their community, including the contact information of entities that provide services for victims of child sexual abuse and their families. See [105 ILCS 5/2-3.188\(a\)](#).
- 2) At the beginning of the school year, each school district, charter school, or nonpublic school shall notify the parents or 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 website. See [105 ILCS 5/2-3.188\(b\)](#).
- 3) A superintendent of the employing school board shall, in writing, notify the state superintendent of education and the applicable regional superintendent of schools of any license holder whom he or she has reasonable cause to believe has committed (i) an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child as defined in Section 3 of the Abused and Neglected Child Reporting Act, or (ii) an act of sexual misconduct as defined in Section 22-85.5 of this Code (this is a new

requirement), and that act resulted in the license holder's dismissal or resignation from the school district. See [105 ILCS 5/10-21.9\(e-5\)](#); [105 ILCS 5/34-18.5\(e-5\)](#).

- 4) New requirements for notifying students and parents/guardians must be followed for allegations of sexual misconduct and any action taken as a result of an allegation. (See **Sexual Misconduct Allegation Notification Requirements** below for more details.)
- 5) Applicants must complete an employment history review prior to working at a school. (See **Employment History Review Requirements** below for more details.)

Frequently Asked Questions Regarding Sexual Misconduct

Q-1. Is "sexual misconduct" the same thing as "grooming" or "sexual abuse"?

A-1. Not necessarily, but grooming or sexual abuse may be sexual misconduct.

"Sexual misconduct" as defined above on page 9 is a new term added to the School Code and applies to all students. See [105 ILCS 5/22-85.5\(c\)](#).

An "alleged incident of sexual abuse" as defined in Section 22-85 of the School Code is "an incident of sexual abuse of a child that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred (i) on school grounds or during a school activity or (ii) outside of school grounds or not during a school activity." See [105 ILCS 22-85 \(a\)](#).

"Grooming" as now defined in Section 11-25 of the Criminal Code is "when [a person] 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 a child, a child's guardian, or another person believed to be 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. As used in this Section 'child' means a person under 17 years of age." (Italics indicate new language from Faith's Law.) See [720 ILCS 5/11-25](#).

In addition to the above-defined terms, there are several other terms defined throughout the law that may be applicable and carry their own set of requirements and implications. Consider consulting with legal counsel to determine which terms and processes are applicable depending on the facts in your case.

Someone has alleged that sexual misconduct has occurred between a student and employee.

Q-2. Do I notify the Illinois Department of Children and Family Services (DCFS)? When?

A-2. Mandated reporters must notify DCFS **immediately** when a mandated reporter has reasonable cause to believe a child is an abused or neglected child under the Abused and Neglected Child Reporting Act (325 ILCS 5/3), including reasonable cause to believe that a child was a victim of grooming as defined by 720 ILCS 5/11-25. Call 1-800-25-ABUSE to make a report.

Q-3. Do I notify local law enforcement? When?

A-3. Please consult your local district/school's policy or your district/school's legal counsel for guidance regarding your obligation to report to local law enforcement.

Q-4. Do I notify the parents/guardians? When?

A-4. Generally, parents/guardians must be notified after the student has been notified. Please see pages 15 and 16.

Q-5. How is it determined and by whom that an employee committed an act of sexual misconduct that would trigger Faith's Law requirements?

A-5. A school, through its administration or school board, would determine whether there is sufficient evidence to find that an employee committed an act of sexual misconduct.

Employee Code of Professional Conduct Policy

The Basics

Q-6. When does the employee code of professional conduct policy have to be adopted by a school?

A-6. School districts, charter schools, and nonpublic schools were required to develop and implement an employee code of professional conduct policy by July 1, 2022. See [105 ILCS 5/22-85.5\(a\)](#).

Q-7. What entities are required to implement the employee code of professional conduct policy?

A-7. School districts, charter schools, and nonpublic schools. See [105 ILCS 5/22-85.5\(d\)](#).

Q-8. What must the employee code of professional conduct policy include?

A-8. The employee code of professional conduct policy must:

- 1) Incorporate the Code of Ethics for Illinois Educators found at 23 Ill Adm Code 22.20.
- 2) Incorporate the definition of "sexual misconduct" in Section 85.5(c) of the School Code.
- 3) Identify the expectations for employees and agents of the school district, charter school, or nonpublic school regarding how to maintain a professional relationship with students, including the expectations for staff-student boundaries; recognize the age and developmental level of the students served; and establish guidelines for all of the following situations:
 - a) Transporting a student.
 - b) Taking or possessing a photo or a video of a student.
 - c) Meeting with a student or contacting a student outside of the employee's or agent's professional role.
- 4) Reference the employee reporting requirements required under the Abused and Neglected Child Reporting Act and under Title IX of the federal Education Amendments of 1972.
- 5) Reference required employee training that is related to child abuse and educator ethics that are applicable under State and federal law.

See [105 ILCS 5/22-85.5\(d\)](#).

Q-9. How must the employee code of professional conduct policy be communicated?

A-9. The employee code of professional conduct policy must be:

- 1) Posted on the website, if any, of each school district, charter school, or nonpublic school; and

- 2) Included in any staff, student, or parent handbook provided by the school district; charter school, or nonpublic, nonsectarian³ elementary or secondary school.

Although the statute uses the word “or,” the intent of Faith’s Law is that a school publishes the policy in all of its handbooks.

See [105 ILCS 5/22-85.5\(e\)](#).

Q-10. What happens if an employee violates the employee code of professional conduct policy?

A-10. 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 of an employee to report a violation of the employee code of professional conduct policy by another employee may subject that employee to disciplinary action up to and including dismissal from employment. See [105 ILCS 5/22-85.5\(f\)](#).

³ ISBE believes the intent of the bill was to require posting of the policy by all nonpublic schools and not just nonsectarian, nonpublic schools. Nonpublic, sectarian schools should consult with their legal counsel as to the applicability of this provision. See [105 ILCS 5/22-85.5\(e\)](#).

Sexual Misconduct Allegation Notification Requirements

The Basics

Q-11. What must a school district, charter school, or nonpublic school do if an allegation of sexual misconduct is made?

A-11. As of July 1, 2023, the governing body of each school district, charter school, or nonpublic school shall implement two notification procedures to address sexual misconduct.

The first procedure requires schools to provide notice to the parents or guardians of an enrolled student with whom an employee, agent of the school, or a contractor of the school is **alleged** to have engaged in sexual misconduct as defined in Section 22-85.5(c) of the School Code.

The second procedure requires schools to provide notice to the parents or guardians of a student when any **formal action** has been taken by the governing body relating to the employment of the alleged perpetrator following the investigation of sexual misconduct, including whether employment was terminated or whether the governing body accepted the resignation of the employee.

Each procedure shall include the following:

- 1) Consideration of the time frame for providing notice to the student and the student's parents or guardians if the alleged misconduct is also being investigated by DCFS or law enforcement as described in Section 22-85 of the School Code⁴;
- 2) Notice to the student in a developmentally appropriate manner;
- 3) After notice to the student is provided, the student's parents or guardians shall be notified in writing; and
- 4) Notification must be provided as soon as feasible, subject to the requirements of Section 22-85(f)⁵ of the School Code, after the employing entity becomes aware that alleged misconduct may have occurred and after the board action is taken, as applicable. See [105 ILCS 5/22-85.10\(a\) & \(b\)](#).

Q-12. What are the specific notice requirements when there is an allegation of sexual misconduct?

A-12. When there is an allegation of sexual misconduct, notification must first be provided to the enrolled student in a developmentally appropriate manner and include:

- 1) That notice will be given to the student's parents or guardians;

⁴ Section 22-85 of the School Code describes the requirements when there is an alleged incident of sexual abuse at school. See 105 ILCS 5/22-85.

⁵ Section 22-85(f) outlines the requirements a school must follow after an alleged incident of sexual abuse is accepted for investigation by DCFS or a law enforcement agency, and while the criminal and child abuse investigations related to that alleged incident are being conducted by the multidisciplinary team. See 105 ILCS 5/22-85(f).

- 2) What information will be included in the notice to the student's parents or guardians;
- 3) Available resources for the student within the school and community in accordance with Article 26A of the School Code and available counseling services under Section 3-550 of the Mental Health and Developmental Disabilities Code; and
- 4) Beginning July 1, 2025, the name and contact information for the domestic and sexual violence and parenting resource coordinator under Section 26A-35 of the School Code.

After notifying the student, the student's parents or guardians shall be notified in writing of the following:

- 5) The alleged misconduct; and
- 6) Available resources for the student within the school and the community in accordance with Article 26A of the School Code and, beginning on July 1, 2025, the name and contact information for the domestic and sexual violence and parenting resource coordinator under Section 26A-35 of the School Code.

Notice provided to the parent or guardian of a student with a disability must not conflict with the student's Individualized Education Program (IEP) or a Section 504 Plan under the federal Rehabilitation Act of 1973 and the requirements of applicable state or federal law. See [105 ILCS 5/22-85.10 \(a\)\(2\) & \(3\)](#).

Q-13. What are the notice requirements when formal action has been taken due to allegations of sexual misconduct?

A-13. When formal action has been taken by the governing body relating to the employment of an alleged perpetrator following the investigation of sexual misconduct, notification must first be provided to the student in a developmentally appropriate manner and include:

- 1) That notice will be given to the student's parent or guardian of the governing body's action;
- 2) What information will be included in the notice to the student's parents or guardians;
- 3) Available resources for the student within the school and community in accordance with Article 26A of the School Code and available counseling services under Section 3-550 of the Mental Health and Developmental Disabilities Code; and
- 4) Beginning July 1, 2025, the name and contact information for the domestic and sexual violence and parenting resource coordinator under Section 26A-35 of the School Code.

After notification of the student, the student's parents or guardians shall be notified in writing of the following:

- 5) The governing body's action;
- 6) Whether a report concerning the alleged sexual misconduct was or will be submitted to the state superintendent of education and the applicable regional superintendent of schools pursuant to Section 10-21.9 of the School Code; and

- 7) Available resources for the student within the school and the community in accordance with Article 26A of this Code and, beginning on July 1, 2025, the name and contact information for the domestic and sexual violence and parenting resource coordinator under Section 26A-35 of the School Code.

Notice provided to the parent or guardian of a student with a disability must not conflict with the student's IEP or a Section 504 Plan under the federal Rehabilitation Act of 1973 and the requirements of applicable state or federal law.

If the student is no longer enrolled at the time formal action is taken, sending written notice to the last known address in the student's file fulfills notification requirements. See [105 ILCS 5/22-85.10\(b\)\(2\), \(3\), & \(5\)](#).

Q-14. Does a school need to follow the notification procedures in every instance of alleged sexual misconduct involving a student and an employee, agent of the school, or contractor?

A-14. No. Notification procedures are not applicable if the student's parent or guardian is the alleged perpetrator of the misconduct. See [105 ILCS 5/22-85.10\(d\)](#).

Q-15. Must notice always be provided to the parents or guardians of the student regarding the allegations of sexual misconduct and whether formal action has been taken?

A-15. No. Notice to the parent or guardian is not required if the student is at least 18 years of age or emancipated. Notification procedures are not applicable if the student's parent or guardian is the alleged perpetrator of the misconduct. See [105 ILCS 5/22-85.10\(a\), \(b\), & \(d\)](#).

Q-16. Must notice always be provided to the student prior to the parents or guardians regarding the allegations of sexual misconduct and whether formal action has been taken?

A-16. No. Notification to the student prior to notification of the student's parents or guardians shall not be required to the extent an employee or agent of the school district, charter school, or nonpublic school deems it necessary to address an imminent risk of serious physical injury or death of a student or another person, including the victim. If prior notification to the student is not given, notification to the student shall be provided as soon as practicable and without delay following the notification to the student's parents or guardians. See [105 ILCS 5/25-85.10\(c\)](#).

Frequently Asked Questions Regarding Sexual Misconduct Allegation Notification Requirements

Q-17. When a governing body has taken formal action relating to the employment of the alleged perpetrator following the investigation of alleged sexual misconduct including whether employment was terminated or whether the governing body accepted the resignation of the employee, must the State Board of Education be notified?

A-17. Yes. Pursuant to Sections [10-21.9\(e-5\)](#), [34-18.5\(e-5\)](#), and [27A-5\(g\)](#) of the School Code, the superintendent of the employing school board or administrator of a charter school shall in writing notify the state superintendent of education and the applicable regional superintendent of school of any license holder whom he or she has a reasonable cause to believe has committed an act of sexual misconduct as defined in Section 22-85.5 of the School Code.

Q-18. When the school has to notify a student and parent of alleged sexual misconduct, is the school required to provide the student and parent the employee's name? If yes, how is confidentiality protected during the investigation of an employee?

A-18. The statute does not require the disclosure of the alleged perpetrator's name. Consult with your legal counsel regarding any confidentiality, privacy, and safety concerns.

Q-19. Does the employee have the right to know if the employee is the subject of a sexual misconduct investigation?

A-19. The statute only requires specific notice to the student and parents/guardians, not the employee. Any notice provided to an employee would be pursuant to board policy and collective bargaining agreements pertaining to investigation procedures for allegations of employee misconduct.

Q-20. Does Faith's Law relieve the school from the other notification requirements that may be required by other state or federal laws?

A-20. No. The requirements under Faith's Law are in addition to other requirements. They are not meant to replace any other requirements set forth in state and/or federal laws or local school policies.

Q-21. Do the notification procedures apply if a school receives an allegation of sexual misconduct but the student is no longer enrolled? What about when formal action is taken?

A-21. The notification procedures with respect to an allegation of sexual misconduct only apply if the student is enrolled with the school when the allegations are made. If the student is no longer enrolled at the time formal action is taken, sending written notice to the last known address in the student's file fulfills notification requirements.

Employment History Review Requirements

The Basics

Q-22. What are the new requirements for employers prior to hiring an applicant to work directly with children or students?

A-22. The school or contractor must ensure that the following criteria are met for each applicant:

- 1) The applicant has completed the [Illinois State Board of Education Sexual Misconduct Disclosure Template for Applicant](#);
- 2) The prospective employer and applicant have both completed the [Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response Template](#), and the prospective employer has forwarded the templates to the applicant's current/former employer(s).
 - a) This form must be completed multiple times if the applicant has multiple current of former employers.
- 3) The school or contractor has no knowledge or information pertaining to the applicant that would disqualify the applicant from employment;
- 4) The school or contractor shall initiate a review of the employment history of the applicant by contacting those employers listed by the applicant in the Illinois State Board of Education Sexual Misconduct Disclosure Template; and
- 5) To the extent the applicant is licensed by ISBE, the school district, charter school, or nonpublic school shall also verify the applicant's reported previous employers with previous employers in the State Board of Education's educator licensure database to ensure accuracy.⁶

See [105 ILCS 5/22-94\(c\)](#).

Q-23. For purposes of the employment history reviews, what is a "school"?

A-23. A school is a public or nonpublic elementary or secondary school. See [105 ILCS 5/22-94\(b\)](#).

Q-24. For purposes of the employment history reviews, what is a "contractor"?

A-24. 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. See [105 ILCS 5/22-94\(b\)](#).

⁶ The information contained in the Educator Licensure Information System (ELIS) is only as accurate as the information provided by each district or school in the Employee Information System (EIS). See [105 ILCS 5/22-94\(c\)](#).

Q-25. For purposes of the employment history review, what does “direct contact with children or students” mean?

A-25. 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. See [105 ILCS 5/22-94\(b\)](#).

Q-26. What is meant by initiating a review of the employment history of the applicant?

A-26. A school or contractor shall initiate a review of the employment history of the applicant by contacting those employers listed by the applicant in the ISBE templates and requesting the information outlined in the template.

At a minimum, the school or contractor needs to (1) obtain from the applicant copies of the Sexual Misconduct Disclosure Template for Applicant, and Authorization for Release of Sexual Misconduct-Related Information and Current/Former Response Template, and (2) send to current and former employers the Authorization for Release of Sexual Misconduct-Related Information and Current/Former Response Template. See [105 ILCS 5/22-94\(c\)\(4\)](#).

Q-27. Which individuals are required to have the employer history reviews completed? Does this include referees/sports officials, athletic trainers, non-licensed coaches, etc.?

A-27. All permanent and temporary positions for employment with a school or a contractor of a school involving direct contact with children or students are required to have employment history reviews. In making the determination as to whether a position of employment entails “direct contact with children or students,” schools should review each situation on a case-by-case basis and consider all risks associated with such a determination. See [105 ILCS 5/22-94\(a\)](#).

Q-28. Do volunteers have to complete the employment history review prior to working with students?

A-28. No. The employment history reviews only apply to permanent and temporary positions for employment with a school or a contractor of a school involving direct contact with children or students. See [105 ILCS 5/22-94\(a\)](#).

Q-29. Does the new law remove or restrict other types of background checks?

A-29. No. Public Act 102-0702 did not remove any of [the other criminal background checks required](#) that were already in effect. The law does not relieve a school, school employee, contractor of the school, or agent of the school from any legal responsibility to report sexual misconduct in accordance with state and federal reporting requirements or to implement the provisions of the [federal prohibition on aiding and abetting sexual abuse](#). See [105 ILCS 5/22-94\(l\)](#).

Q-30. Does Faith's Law prohibit or limit a prospective employer's ability to investigate a prospective employee?

A-30. No. Public Act 102-0702 does not prevent a prospective employer from conducting further investigations of prospective employees or from requiring applicants to provide additional background information or authorizations beyond what is required under the Act. Further, it does not prevent a current or former employer from disclosing more information than the Act requires.

See [105 ILCS 5/22-94\(l\)](#).

Q-31. What happens if an applicant provides false information or willfully fails to disclose information on the template?

A-31. The applicant is subject to discipline, up to and including termination or denial of employment. See [105 ILCS 5/22-94\(d\)](#).

Q-32. What does a current or former employer need to do when it is asked to complete the Authorization for Release of Sexual Misconduct-Related Information and Current/Formal Employer Response Template?

A-32. An employer who has or had an employment relationship with the applicant shall disclose the information requested using Authorization for Release of Sexual Misconduct-Related Information and Current/Formal Employer Response Template within 20 days after receiving the request. See [105 ILCS 5/22-94\(e\)](#).

Q-33. Are there other instances in which a current or former employer would be required to complete the Authorization for Release of Sexual Misconduct-Related Information and Current/Formal Employer Response Template?

A-33. A school or contractor must also complete the template at the request of the employee, or, upon separation from employment. A school or contractor shall complete the form and maintain it 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\(e\); \(j\)](#).

Q-34. How long does an employer have to respond to a request for employment information?

A-34. The employer must respond no later than 20 days after receiving the request. See [105 ILCS 5/22-94\(e\)](#).

Q-35. What may an employer do with the information received from the Authorization for Release of Sexual Misconduct-Related Information and Current/Formal Employer Response Template?

A-35. A school or contractor who receives information from the Authorization for Release of Sexual Misconduct-Related Information and Current/Formal Employer Response Template may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information, as appropriate, to ISBE, a state licensing agency, a law enforcement agency, a child protective services agency, another school or contractor, or a prospective employer. See [105 ILCS 5/22-94\(e\)](#).

Q-36. Is any of the information that a prospective employer receives from a current/formal employer as part of the employment history review considered a public record?

A-36. No. Information received under Section 22-94 shall not be deemed a public record. It may not be released under a Freedom of Information Act (FOIA) request. See [105 ILCS 5/22-94\(e\)](#).

Q-37. What if the records and documents are prohibited from disclosure by another Illinois law?

A-37. An employer, school, school administrator, contractor, or applicant shall report and disclose, in accordance with Section 22-94, all relevant information, records, and documentation that may otherwise be confidential, unless there is another provision of law to the contrary. See [105 ILCS /22-94\(e\)](#).

Q-38. Does a current or former employer have any immunity when providing information or records as part of the employment history review?

A-38. Yes. An employer, school, school administrator, or contractor who provides information or records about a current or former employee or applicant under Section 22-94 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 or potential employer. See [105 ILCS 5/22-94\(e\)](#).

Q-39. Are there any reasons why a current/former employer would not release the required information under Public Act 102-0702?

A-39. Yes. There are two specific instances under which an employer is not required to complete employment history review forms:

- 1) The laws of another state prevent the release of the information or records requested for disclosure; or
- 2) Release is restricted by the terms of a contract entered into prior to July 1, 2023. Consult with your school attorney if this exception applies to your school.

Any other provisions of law that expressly prohibit the release of relevant information, records, and documents as required under Faith's Law also apply. See [105 ILCS 5/22-94\(e\)](#).

Q-40. May an applicant be hired if they refuse to provide the information on the template?

A-40. No. A school or contractor may not hire an applicant who does not provide the information required on the templates for a position involving direct contact with children or students. See [105 ILCS 5/22-94\(f\)](#).

Q-41. How do the employment history review requirements interact with collective bargaining agreements, employment contracts, agreements for resignation or termination, severance agreements, etc.?

A-41. 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 any other contract or agreement or take any action that:

- 1) Has the effect of suppressing information concerning a pending investigation or a completed investigation in which an allegation was substantiated related to a report of suspected sexual misconduct by a current or former employee;
- 2) Affects the ability of the school or contractor to report suspected sexual misconduct to the appropriate authorities; or
- 3) Requires the school or contractor to expunge information about allegations or findings of suspected sexual misconduct from any documents maintained by the school or contractor, unless, after an investigation, an allegation is found to be false, unfounded, or unsubstantiated.

Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into on or after July 1, 2023, and that is contrary to Section 22-94 is void and unenforceable.

Public Act 102-0702 does not prohibit the right of the exclusive bargaining representative under a collective bargaining agreement to grieve and arbitrate the validity of an employee's termination or discipline for just cause. See [105 ILCS 5/22-94\(g\)&\(h\)](#) and [105 ILCS 5/22-94\(l\)\(4\)](#).

Q-42. How do the employment history review requirements apply to substitute teachers or other substitute employees?

A-42. For substitute employees, all of the following apply:

- 1) The employment history review is required only prior to the initial hiring of a substitute employee or placement on a school's approved substitute list and shall remain valid as long as the substitute employee continues to be employed by the same school or remains on the school's approved substitute list.
- 2) A substitute employee seeking to be added to another school's substitute list shall undergo an additional employment history review. The appearance of a substitute employee on one school's substitute list does not relieve another school from compliance with Section 22-94.

There are two exceptions:

- a) 4) below, and
- b) An applicant who has undergone an employment history review 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.

- 4) An employment history review conducted upon initial hiring of a substitute employee by a contractor or any other entity that furnishes substitute staffing services to schools shall satisfy the requirements of Public Act 102-0702 for all schools using the services of that contractor or other entity.
- 5) A contractor or any other entity furnishing substitute staffing services to schools shall comply with the following:
 - a) Prior to assigning an employee to perform work for a school in a position involving direct contact with children or students, the contractor shall inform the school of any instance known to the contractor in which the employee:
 - i) Has been the subject of a sexual misconduct allegation unless a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated;
 - ii) Has ever been discharged, been asked to resign from, resigned from, or otherwise been separated from any employment; been removed from a substitute list; 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 was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated; or
 - iii) Has ever had a license or certificate suspended, surrendered, or revoked due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.
 - b) 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 listed in paragraph (5)(a) under this Answer 42. See [105 ILCS 5/22-94\(i\)](#).

Q-43. What are the employment history review requirements for employees of contractors under Public Act 102-0702?

A-43. For employees of contractors, all of the following apply:

- 1) 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 review shall remain valid as long as the employee remains employed by the same contractor, even if assigned to perform work for other schools.
- 2) A contractor shall maintain records documenting employment history reviews for all employees as required by Public Act 102-0702 and, upon request, shall provide a school

for whom an employee is assigned to perform work access to the records pertaining to that employee.

- 3) Prior to assigning an employee to perform work for a school in a position involving direct contact with children or students, the contractor shall inform the school of any instance known to the contractor in which the employee:
 - a) Has been the subject of a sexual misconduct allegation unless a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated;
 - b) Has ever been discharged, been asked to resign from, resigned from, or otherwise been separated from any employment; been removed from a substitute list; 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 was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated; or
 - c) Has ever had a license or certificate suspended, surrendered, or revoked due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.
- 4) 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 listed in paragraph (3) in this Answer 43. See [105 ILCS 5/22-94\(j\)](#)

Q-44. Can an employee working at a school that belongs to a district/diocese/religious jurisdiction or organization move to another school under that same affiliation without undergoing another employment history review?

A-44. Yes. 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. See [105 ILCS 5/22-94\(k\)](#).

Frequently Asked Questions Regarding Employment History Reviews

Q-45. Can the template requesting employment history review be emailed to employers or must it be physically mailed?

A-45. The statute does not prohibit sending the employment history reviews by email.

Q-46. The statute and templates require the disclosure of knowledge or information pertaining to the applicant that would “disqualify the applicant from employment.” What is meant by “disqualify” for purposes of this statute?

A-46. The statute does not define “disqualify” and nothing except the applicant’s failure to provide the information in the templates would disqualify an applicant from employment under Section 22-94. However, an employer should consult with legal counsel regarding what would disqualify an applicant from working in a school based on the information received from the employment history review request.

Q-47. Can an applicant still be hired if a former employer does not provide an employment history review check within 20 days of the request?

A-47. The statute does not prohibit an employer from hiring the applicant if the former or current employer does not provide an employment history review within 20 days of receiving the request.

Q-48. For substitute teachers who work at multiple school districts, can districts share the employment history reviews with each of the districts in which the substitute teacher is working?

A-48. The substitute should undergo an additional employment history review for each employer, unless the substitute is an employee of a contractor or the substitute is working within the same district, diocese, religious jurisdiction, or another school established and supervised by the same organization.

Q-49. How far back in time does an employer need to go in requesting an employment history review?

A-49. There is no time limitation in the statute. An applicant must provide the names of *all* former employers that were schools or school contractors, and *all* former employers at which the applicant had direct contact with children or students.

Q-50. For how long is an employment history review valid? For example, if an employee doesn’t work with a district/school during a portion of a school or calendar year but returns to employment the following year, must the employment history review be conducted again?

A-50. The statute neither addresses how schools should handle breaks in service nor how long the employment history reviews are valid for employees. Consult with legal counsel regarding whether employment history reviews must be completed for returning employees.

With respect to a substitute employee who is in direct contact with children, the employment history review is only required prior to the initial hiring of the substitute employee or placement on a school’s approved substitute list and shall remain valid as long as the substitute employee continue to be employed by the same school or remains on the school’s approved substitute list.

With respect to contractors, the contractor shall maintain records documenting employment history reviews for all employees who are in direct contact with children (e.g., bus drivers, food service workers) as part of the employees' personnel files and, upon request, shall provide a school for whom an employee is assigned to perform work access to the records pertaining to that employee.

Q-51. Can Regional Offices of Education/Intermediate Service Centers complete the employment history reviews for substitute teachers?

A-51. No. The statute requires schools or contractors to conduct the reviews.

Q-52. Is the potential employer required to check an applicant's employment history against the State Board of Education's educator license database?

A-52. For applicants licensed by the State Board of Education, a 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.⁷

Q-53. Can a potential employee start working pending the outcome of the employment history review?

A-53. Yes. As with fingerprint based criminal background checks, the employment history review only has to be initiated prior to the person beginning their duties.

Q-54. Do we have to do employment history reviews for temporary employees?

A-54. Yes.

Q-55. Do we have to do employment history reviews for part-time employees?

A-55. Yes.

Q-56. What if the hiring school believes that, after a review of the information provided, a finding of sexual misconduct reported by the former employee is unsupported?

A-56. There is nothing in the statute that prohibits the potential employer from hiring the applicant. However, consult with legal counsel regarding any potential liabilities.

Q-57. Does the hiring school have to investigate allegations of sexual misconduct from a previous employer if one of the boxes is checked "yes"?

A-57. The new sexual misconduct laws do not necessarily trigger any new duties with respect to investigations for the hiring school. A current/former employer will have to determine whether certain allegations rise to the level of sexual misconduct as defined in Section 22-85.5 of the School Code and complete the ISBE templates. The current/former school's obligation to investigate possible employee misconduct pursuant to its board policies and Title IX remain in effect.

Q-58. What if an investigation conducted by a current or former employer resulted in a finding of insufficient evidence?

⁷ The information contained in ELIS is only as accurate as the information provided by each district or school in EIS.

A-58. If there was an investigation conducted into allegations of misconduct that would meet the definition of sexual misconduct under section 22-85.5 that resulted in a finding that the allegation was false, unfounded, or unsubstantiated, then the allegation would not need to be reported. If there was a pending allegation or an ongoing investigation that was never completed, then the employer would need to report it if contacted to provide an employment history review.

Q-59. Should we conduct the employment history review for positions that currently have no direct contact with children or students but might at a later time?

A-59. The statute requires employment history reviews for all permanent and temporary positions for employment with a school or a contractor of a school involving direct contact with children or students. For the safety of students, ISBE recommends employment history review be conducted prior to when the employee begins duties that put him/her in direct contact with a student or child.

Q-60. Must bus driver applicants go through an employment history review in addition to their required background check?

A-60. Yes. Bus drivers are in direct contact with students or children. Therefore, they must also complete the employment history reviews.

Q-61. What if someone is coming from out of state to work in Illinois? Do they still need to go through the employment history review process?

A-61. Yes.

Q-62. What if an employee has a confidentiality clause as a part of a termination/separation agreement that would prohibit disclosure of the type of information requested in an employment history review?

A-62. The statute created an exception to the disclosure requirements if disclosure is restricted by the terms of a contract entered into prior to the July 1, 2023, implementation date of Public Act 102-0702. Consult with legal counsel to determine whether a confidentiality clause is valid and enforceable.

Q-63. Do we have to update the employment history review for current employees who take on summer employment outside of their current role that involves direct contact with children or students?

A-63. The statute does not require a supplemental employment history review in these circumstances.

Q-64. What happens to the substitute employees who are currently on schools' substitute lists prior to July 1, 2023? Do they need to complete the employment history review, or will they be grandfathered in?

A-64. The employment history review is required only prior to the *initial* hiring of a substitute employee or placement on a school's approved substitute list and shall remain valid as long as the substitute employee continues to be employed by the same school or remains on the school's approved substitute list.

Q-65. Are current employees or employees of contractors required to undergo an employment history review?

A-65. No.

Q-66. Should the district/school maintain the employment history review documentation it provides and/or receives?

A-66. Yes. Employment history review forms shall be maintained as part of the employee's personnel file.

Q-67. Should a contractor maintain the employment history review documentation it provides and/or receives?

A-67. A contractor shall maintain records documenting employment history reviews for all employees as required by Public Act 102-0702 and, upon request, shall provide a school for whom an employee is assigned to perform work access to the records pertaining to that employee.

Q-68. Do I have to review employee misconduct investigations conducted before Public Act 102-0702 takes effect to determine whether those allegations meet the definition of sexual misconduct?

A-68. No. The law does not require an employer to review its files and determine whether past misconduct may qualify as sexual misconduct.

Q-69. Do student teachers have to undergo employment history reviews?

A-69. Based on the language in the law, unpaid student teachers are not subject to employment history reviews.

Q-70. What if a former employer requires the applicant or the potential employer to pay a fee for the completion of the employment history review forms?

A-70. There is no exemption for an employment history review if an applicant is unable to pay or refuses to pay for its completion.

Q-71. What if the school finds out later the applicant lied on their employment history review form, and the applicant was hired and has started employment with the school? What can the school do under the statute?

A-71. An applicant who provides false information or willfully fails to disclose information required under Section 5/22-94 shall be subject to discipline, up to and including termination or denial of employment. All decisions regarding discipline should be in accordance with school policies and any applicable collective bargaining agreements.

Q-72. Should a school treat employment history review records the same as other personnel records or are there more restrictions on who within the school has access to this information?

A-72. Although employment history reviews are to be maintained in the personnel file, they are not public documents. Consult with legal counsel as to who within a school should have access to the employment history review checks.

