

Faith's Law Overview and Use of Template Forms

Faith's Law (PA 102-676) amended multiple state statutes to close legal loopholes related to combatting grooming. It added Section 5/22-85.5 of the School Code which defines sexual misconduct and requires districts to incorporate the definition into the employee code of conduct policy. The Faith's Law trailer bill (PA 102-702, effective July 1, 2023) further combats grooming by adding new Section 5/22-94 to the School Code which requires applicants seeking employment at a school in a position that requires direct involvement with children or students to authorize an employment history review as part of the application process.

The applicant must swear or affirm that they are not disqualified from employment and complete a form that includes contact information for current or former employers that were schools or school contractors where the applicant had direct contact with children. The applicant must also provide a written statement of whether the applicant has been the subject of a sexual misconduct allegation, been discharged, been asked to resign, or was disciplined due to an adjudication or finding of sexual misconduct. The district in receipt of the application shall initiate a review of the employment history by contacting the employer listed and request pertinent information from the current/former employer as required by the statute.

Under Section 5/22-94, ISBE is required to create the templates for the forms used by districts to complete the employment history review. The two templates that were designed were created by ISBE with input from IASB, IASA, IASPA and other stakeholders to fulfil ISBE's obligation to provide the employment history review templates. The employment history review requirements take effect on July 1, 2023.

Districts may modify the templates and adopt them as their own official forms, however the content in the ISBE templates should be closely adhered to as the information they seek to elicit is required by the statute.

Courtesy of ISBE; Spring 2023

From: Illinois State Board of Education hello@isbe.net
Subject: Faith's Law Resources
Date: June 15, 2023 at 3:26 PM
To: condone@district90.org



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Faith's Law Resources

Faith's Law was passed by the 102nd General Assembly as two separate pieces of legislation. The first piece of legislation, [Public Act 102-0676](#), took effect on Dec. 3, 2021. The second piece, [PA 102-0702](#), will take effect on **July 1, 2023**. Both public acts created new requirements that take effect at different dates.

ISBE has created the following resources to assist school districts, charter schools, and nonpublic schools with implementing the various requirements of Faith's Law:

- [Faith's Law Webinar](#) (Please review this first as it explains the following documents)
- [Sexual Abuse Response and Prevention Resource Guide](#)
- [Faith's Law Guidance and FAQ](#)
- [Template 1 - Sexual Misconduct Disclosure Form for Applicant](#)
- [Template 2- Authorization for Release and Former Employer Response re: Sexual Misconduct Information](#)

Please take time to review the documents above prior to July 1. Should you have questions after reviewing the information above, please reach out to faithslaw@isbe.net for assistance.

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Illinois
State Board of
Education



From: Robbins Schwartz mguevara@robbins-schwartz.com
Subject: ISBE Releases Employment History Review Forms Required Under Faith's Law
Date: February 28, 2023 at 3:40 PM
To: condone@district90.org



February 28, 2023

ISBE Releases Employment History Review Forms Required Under Faith's Law

Another piece of the puzzle is in place to help schools implement expanded requirements that aim to prevent sexual misconduct, as the Illinois State Board of Education (ISBE) released its template forms for sexual misconduct disclosures for applicants for employment effective July 1, 2023.

The new requirements build on a section of the Illinois School Code, commonly known as Faith's Law, which requires additional policies and hiring steps to prevent sexual misconduct in schools. As of July 1, 2022, school districts, charter schools, and non-public schools are obligated to have a Professional Code of Conduct Policy in place, which must include a definition of sexual misconduct, identify expectations for employees and agents regarding maintaining professional relationships with students, reference required employee training related to child abuse and educator ethics, and provide that a violation would result in disciplinary action up to and including dismissal from employment. The Employee Code of Professional Conduct is to be posted on the website and included in any staff, student, or parent handbook provided by the school district, charter school, or non-public school.

Before hiring applicants for permanent and temporary positions with a school or a school contractor that has direct contact with children or students, schools and contractors must ensure that they have no knowledge or information pertaining to the applicant that would disqualify the applicant from employment. Beginning July 1, 2023, as part of that process, schools and contractors must now utilize the [templates](#) developed by ISBE in which an applicant provides the following:

- The name and relevant contact information for the applicant's current employer;
- The name and relevant contact information for all former employers that were schools or school contractors, as well as all former employers at which the applicant had direct contact with children or students;
- A written authorization for disclosure of the information below and the release of related records.
- A written statement of whether the applicant meets any of the following conditions unless a subsequent investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated:
 - The applicant has been the subject of a sexual misconduct allegation;
 - The applicant has ever been discharged from, been asked to resign from, resigned from, or otherwise been separated from any employment, has ever been disciplined by an employer, or has ever 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;
 - The applicant has ever had a license suspended, surrendered, or revoked or had an

application for licensure, approval, or endorsement denied due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation.

The school or contractor must initiate a review of the employment history of the applicant by contacting those employers listed by the applicant. The listed employers must disclose the requested information to the school or contractor within 20 days after receiving the request. For applicants who are licensed by ISBE, the school district, charter school, or non-public school must also verify the applicant's reported previous employers with the previous employers in the ISBE educator licensure database to ensure accuracy. Additional requirements related to substitute teachers are also provided.

Finally, as schools prepare to implement these changes, they will need to comply with a variety of overlapping old and new statutory requirements relevant to how employment history review forms are created, kept, and disclosed. The new requirements include limits on contract provisions, conditions when employment history review forms must be created, and certain protections for schools as they disclose and receive information during the employment history review process.

To learn more about the employer and applicant for employment requirements under Faith's Law and the many questions surrounding the implementation of these requirements, we invite you to attend the Robbins Schwartz Webinar scheduled for March 15, 2023, from 11:30 am - 12:30 pm or contact your Robbins Schwartz attorney for guidance specific to your organization. Registration will open soon on our [website](#).

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Questions and comments about this publication should be directed to: Law Alert Editor | Robbins Schwartz | 55 West Monroe Street | Suite 800 | Chicago, Illinois 60603 | 312.332.7760 | mguevara@robbs-schwartz.com.

Robbins Schwartz | 55 W Monroe Street, Suite 800, Chicago, IL 60603

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River Forest D90 Faith's Law Sexual Misconduct Disclosure Procedures

For New Hires in District 90 (Permanent, temporary, or contracted service employees who will have interactions with students, including all certified staff, teachers, aides, nurses, administrators, school office employees, substitutes, building custodian/engineers, technology specialist)

1. When a candidate comes in to fill out paperwork after receiving an offer of employment from District 90, he/she will be directed to complete the following forms:

A. ILLINOIS STATE BOARD OF EDUCATION SEXUAL MISCONDUCT DISCLOSURE TEMPLATE FOR APPLICANT

This form will be placed in his/her personnel file.

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

A separate form must be completed for each current and former employer that falls within any of the categories below:

- A public or nonpublic elementary or secondary school
- A contractor with a public or nonpublic elementary or secondary school to provide services that involve routine interaction with students (i.e. food or transportation services).
- Any other employer for which they, as part of their employment, had routine interaction with children or students (i.e. park district or day care facilities).

Section 1 of the form is pre-populated with District 90's information. The candidate will only complete Sections 2, 3, & 4. Section 5 is for the current/former employer.

2. The Administrative Assistant will email each AUTHORIZATION FOR RELEASE form to the appropriate current/former employer (without the applicant's instruction cover page; be sure to write your name and date in the "Sent to Current/Former Employer" field) and monitor both email and USPS mail for a response. Once the document has been returned by the current/former employer (they are supposed to do so within 20 days), the form must be reviewed to ensure that no finding of sexual misconduct has been indicated. If the reviewer is unsure of something written on the form by the previous employer, bring it to the Superintendent for review. If the form is determined to be "all clear," a copy should be placed in the employee's personnel file.

River Forest D90 Faith's Law Sexual Misconduct Disclosure Procedures

Here is a template for the email to be sent to the former employer (Subject: Employment History Review):

Good [morning or afternoon]. Section 5/22-94 of the Illinois School Code requires applicants seeking employment at a school in a position that requires direct involvement with children to authorize a sexual misconduct employment history review as part of the application process. District 90 is contacting you to conduct such a review on [candidate's name], a current or former employee of yours. Please complete the attached document and return it to howed@district90.org.

Thank you in advance for your prompt response. Please reach out if you have any questions.

Please note that the Board cannot take action to hire the candidate until this information request has been sent. Therefore, these emails be sent out as soon as possible.

IMPORTANT: The Administrative Assistant should maintain a spreadsheet to monitor the status of the forms sent out to other districts. If a response hasn't been received after 15 days, please follow up with a reminder email. If there still has been no response after 20 days, notify the Superintendent, print both the request and reminder emails, and place them in the employee's personnel folder along with a notation that the former employer did not comply with our request.

3. If the applicant is licensed by ISBE, the Human Resources Specialist will verify the employment history report by the candidate by checking ISBE's educator licensure database (ELIS for Administrators, accessed through IWAS) to ensure that we received a signed authorization form for all former public school jobs held by the applicant. Any discrepancies should be immediately reported to the Superintendent.

Upon Separation of Employment from District 90

When an employee subject to the Faith's Law requirements separates from service to District 90, the Human Resources Specialist will bring to the Superintendent a copy of the document containing Section 5 of the AUTHORIZATION FOR RELEASE form, with the applicant's name, position, and dates of employment filled in. Once the Superintendent has completed the form and signed it, the Human Resources Specialist will place it in the personnel folder of the separating employee for future reference.

River Forest D90 Faith's Law Sexual Misconduct Disclosure Procedures

Requests from Other Districts

Every employee subject to the Faith's Law requirements who was hired after July 1, 2023, should have a completed copy of Section 5 of the AUTHORIZATION FOR RELEASE form, signed by the Superintendent, placed in their personnel folder for use in responding to future verification requests from other districts. Upon receiving such a request, the Administrative Assistant will retrieve the document from the personnel folder, scan it, and email the response to the requesting district.

If the individual in question was employed prior to July 1, 2023 or if Section 5 of the AUTHORIZATION FOR RELEASE form is otherwise missing, please contact the Superintendent for directions.

ILLINOIS STATE BOARD OF EDUCATION SEXUAL MISCONDUCT DISCLOSURE TEMPLATE
FOR APPLICANT

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

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

Section 1: Applicant Information

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

Section 2: Questionnaire

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

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

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

Section 3: Applicant Certification

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

Signature _____ Printed Name _____ Date _____

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

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

Instructions for Applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant Signature Printed Name Date

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

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

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

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

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

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

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

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

Current/Former Employer Signature

Printed Name/Title

Date

Sexual Abuse Response and Prevention Resource Guide

June 12, 2023

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**Illinois
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Faith's Law Guidance & FAQ

Questions? faithslaw@isbe.net

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