

Operational Services

Administrative Procedure - Criminal Offender Notification Laws

The following list describes laws protecting students on school grounds from individuals convicted of serious crimes:

1. A child sex offender is prohibited from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present unless specifically permitted by statute (720 ILCS 5/11-9.3). See School Board policies 4:170, *Safety*; 8:30, *Visitors to and Conduct on School Property*; and administrative procedure 8:30-AP, *Definition of Child Sex Offender*.
2. Law enforcement must notify schools of offenders who reside or are employed in the county. See: (a) Sex Offender Community Notification Law, 730 ILCS 152/101 et seq., and (b) Child Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105. These laws are hereafter referred to as “offender notification laws.” See also policy 4:170, *Safety*.
3. The School Code (105 ILCS 5/10-21.9, amended by P.A. 96-431) lists criminal offenses that disqualify an individual from District employment if the individual was convicted of one. It requires any person hired by the District to submit to a fingerprint-based criminal history records check. The law also requires a school district to check 2 offender databases for each applicant, (a) the Statewide Sex Offender Database (a/k/a Sex Offender Registry), www.isp.state.il.us/sor, and (b) the Statewide Child Murderer and Violent Offender Against Youth Database, www.isp/state.il.us/cmvo/. See School Board policy 5:30, *Hiring Process and Criteria*; and administrative procedure 5:30-AP2, *Investigations*.
4. The provisions in The School Code described above also apply to employees of persons or firms holding contracts with a school district who have direct, daily contact with students. See School Board policy 4:170, *Safety*.
5. Conviction of an offense listed in 105 ILCS 5/10-21.9, amended by P.A. 96-431, results in the automatic revocation of a teacher’s teaching certificate (105 ILCS 5/21-23a).
6. The offender notification laws require law enforcement to ascertain whether a juvenile sex offender or violent offender against youth is enrolled in a school and, if so, to provide a copy of the registration form to the Building Principal and any guidance counselor designated by him or her. This registration form must be kept separately from any and all school records maintained on behalf of the juvenile sex offender. See School Board policy 4:170, *Safety*.

Receipt of the Information from Law Enforcement ¹

The Superintendent or designee shall notify the local law enforcement official or county sheriff that he or she is the District’s official contact person for purposes of the offender notification laws. ² The Superintendent and/or Building Principal may at any time request information from law enforcement officials regarding sex offenders or violent offenders against youth.

¹ The law is silent with regard to what, if anything, districts do with the information. It does, however, provide that “any person who provides, or fails to provide, information relevant to the procedures set forth in this Law shall not be liable in any civil or criminal action,” (730 ILCS 152/130).

² Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and the superintendent may wish to have a contact person from each building.

The Superintendent will provide Building Principals and other supervisors with a copy of all lists received from law enforcement officials containing the names and addresses of sex offenders and violent offenders against youth.

The Building Principal or designee shall provide the lists to staff members in his or her building on a need-to-know basis, but in any event:

- A teacher will be told if one of his or her students, or a student's parent/guardian, is on a list.
- The school counselor, nurse, social worker, or other school service personnel will be told if a student or the parent/guardian of a student for whom he or she provides services is on a list.

No person receiving a list shall provide it to any other person, except as provided in these procedures, State law, 3 or as authorized by the Superintendent. Requests for information should be referred to the local law enforcement officials or State Police.

Screening Individuals Who Are Likely to Have Contact with Students at School or School Events 4

Upon receiving a list of sex offenders or violent offenders against youth from law enforcement, the Superintendent or Building Principal, or designees, shall determine if anyone is listed who is currently a District employee, student teacher, or school volunteer.

In addition, the Superintendent and/or Building Principal(s) shall screen individuals who are likely to come in contact with students at school or school events as follows:

Volunteers

Each staff member shall submit to the Building Principal the name and address of each volunteer the staff member is supervising or whose services are being used as soon as that person is identified. The Building Principal or designee shall immediately screen the volunteer's name and address against the: (1) National Sex Offender Public Registry, www.nsopr.gov, (2) Illinois Sex Offender Registry, www.isp.state.il.us/sor, and (3) the violent offenders against youth database maintained by the State Police, www.isp.state.il.us/cmvo/. If a match is found, the Building Principal shall notify the Superintendent, who shall contact the local law enforcement officials to confirm or disprove the match.

If a match is confirmed, the Superintendent shall inform the individual, by mail and telephone call, that he or she may not be used as a volunteer. The Superintendent also shall inform relevant staff members and the Building Principal that the individual may not be used as a volunteer.

Student Teachers

The student teacher's higher education institution will facilitate the required background check with the Department of State Police and FBI. The Department of State Police and FBI will furnish records of convictions (unless expunged) pursuant to the fingerprint-based criminal history records check, to the higher education institution where the student teacher is enrolled and the Superintendent. See 105 ILCS 5/10-21.9(g), amended by P.A. 96-1452. See 5:30-AP2, *Administrative Procedure-Investigations*. Each student teacher must provide a written authorization for, and payment of the costs of, the fingerprint-based criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database prior to participating in any field experiences in the District.

Other Students Doing Clinical Experience

3 The list of child sex offenders may be a *public record* subject to disclosure under the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*). Consult the district counsel when a request is made using this Act.

4 The law is silent with regard to screening volunteers and individuals in the proximity of a school.

The Building Principal shall screen the name and address of each student seeking to do clinical experience in the school as described above for volunteers. If a match is found, the Building Principal and Superintendent shall proceed as above for volunteers.

Contractors' Employees

The Superintendent shall include the following in all District contracts that may involve an employee of the contractor having any contact, direct or indirect, with a student: **5**

The contractor shall not send to any school building or school property any employee or agent who would be prohibited from being employed by the District due to a conviction of a crime listed in 105 ILCS 5/10-21.9, amended by P.A. 96-431, or who is listed in the Statewide Sex Offender Registry or the Statewide Violent Offender Against Youth Database. The contractor shall obtain a fingerprint-based criminal history records check before sending any employee or agent to any school building or school property. Additionally, at least quarterly, the contractor shall check if an employee or agent is listed on the Statewide Sex Offender Registry or the Statewide Violent Offender Against Youth Database.

If a staff member at any time becomes aware or suspicious that a contractor's employee is a sex offender or violent offender against youth, the employee shall immediately notify the Superintendent. The Superintendent shall screen the name of the individual as described above for volunteers and/or contact the contractor.

Individuals in the Proximity of a District's School

Each time a list of sex offenders and/or violent offenders against youth is received from a law enforcement official, the Building Principal shall review it to determine if anyone listed lives in the proximity of his or her school. The Building Principal shall attempt to alter school bus stops and the route students travel to and from school in order to avoid contact with an individual on such a list.

Employees

All applicants considered for District employment shall submit to a fingerprint-based criminal history records check, according to State law and School Board policy 5:30, *Hiring Process and Criteria*, and administrative procedure 5:30-AP2, *Investigations*. See 105 IL ILCS 5/10-21.9, amended by P.A. 96-1452, and sample policy 5:30, *Hiring Process and Criteria*.

Each time a list of sex offenders or violent offenders against youth is received from a law enforcement official, the Superintendent shall review the list to determine if an employee is on the list. If a match is found, the Superintendent shall immediately contact the local police officials to confirm or disprove the match. The Superintendent shall immediately notify the Board if a match is confirmed. The Board President will contact the Board Attorney and the Board will take the appropriate action to comply with State law that may include terminating the individual's employment.

5 Districts would find it virtually impossible to screen all contractors' employees. Thus, a contractor should warrant that none of its employees who may have contact with a student at school is a child sex offender. The last sentence of this contract clause will help districts comply with 105 ILCS 5/10-21.9, amended by P.A. 96-431. That law requires a criminal history records check to be performed on only those contractor's employees who have a "direct, daily contact with students." In order to be comprehensive and to eliminate uncertainty, this contract clause requires background checks for any contractor's employee who may work in any school building or on school property.

Informing Staff Members and Parents/Guardians About the Law ⁶

Building Principals or their designees shall inform parents/guardians about the availability of information concerning sex offenders during school registration and, if feasible, during parent-teacher conferences. Information should be distributed about the Statewide Sex Offender Database (a/k/a Sex Offender Registry), www.isp.state.il.us/sor, and the Statewide Child Murderer and Violent Offender Against Youth Database, www.isp/state.il.us/cmvo/. Information may also be included in the Student Handbook. See the Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.*, and exhibit 4:170-E8, *Informing Parents About Offender Community Notification Laws*.

Requests for additional information shall be referred to local law enforcement officials.

CROSS REF.: 5:30 (Hiring Process and Criteria), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property)

ADMIN. PROC.: 4:170-E8, (Informing Parents About Offender Community Notification Laws), 5:30-AP2, (Investigations), 6:250-AP (Securing and Screening Resource Persons and Volunteers), 6:250-E (Volunteer Information Form and Waiver of Liability), 8:30-AP (Definition of Child Sex Offender), 8:30-E1 (Letter to Parent Regarding Visits to School by Child Sex Offenders), 8:30-E2 (Child Sex Offender's Request for Permission to Visit School Property)

⁶ State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/101 *et seq.* While State law allows the notification to be made during registration or parent-teacher conferences, the sample procedure makes a notification mandatory just during registration to be sure that all parents/guardians are informed.