

## General Personnel

### **Administrative Procedure - Sexual Misconduct Related Employment History Review (EHR)**

Prior to hiring an applicant for a position involving direct contact with children or students, a sexual misconduct related employment history review (EHR) must be initiated, but the District may permit the individual to be hired and begin employment pending its outcome. This applies to all permanent and temporary employment positions within a school, including substitute employees and employees of contractors. An EHR is not required for volunteers.

#### **Glossary of Terms**

**Contractor** - A firm holding a contract 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. 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23.

**Direct contact with children or students** - The possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students. 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23.

**Initiate an EHR** - The District initiates an EHR when it submits an Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response form(s) to every current and previous employer identified by the applicant on said form(s).

**School** - A public or nonpublic elementary or secondary school. 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23.

**Sexual misconduct** - Any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include but are 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 are directed toward or with a student, 5) self-disclosure or physical exposure of a sexual, romantic, or erotic nature, 6) a sexual, indecent, romantic, or erotic contact with the student. 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23; 105 ILCS 5/22-85.5(c), added by P.A. 102-676.

#### **Substitute Employees**

For substitute employees, the EHR is required only prior to the initial hiring of a substitute employee or placement on a school's or district's approved substitute list. A substitute employee seeking to be added to another school's or district's substitute list must undergo another EHR. An EHR conducted upon initial hiring by a contractor or any other entity that furnishes substitute staffing services, e.g., a regional office of education, satisfies the EHR requirement for all schools using that contractor's/entity's services. 105 ILCS 5/22-94(i), added by P.A. 102-702, eff. 7-1-23.

#### **Employees of Contractors**

For employees of contractors, the EHR is performed either at the time of initial hiring or prior to the employee's assignment to perform work for a school involving direct contact with children or students. 105 ILCS 5/22-94(j)(1), added by P.A. 102-702, eff. 7-1-23. Contractors must maintain records documenting EHRs for all such employees and, upon the District's request, provide the District with access to the records. 105 ILCS 5/22-94(j)(2), added by P.A. 102-702, eff. 7-1-23. See Board policy 4:60, Purchases

and Contracts, administrative procedure 4:60-AP1, Purchases, and administrative procedure 4:60-AP4, Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees, for employment history review requirements for employees of contractors who have direct contact with children or students.

Employment History Review for Direct Hires

Actor	Action
Board President	When the applicant is a superintendent candidate, ensures that either the resigning Superintendent, Human Resources Administrator, or designee initiates the EHR.
Superintendent, Human Resources Administrator, or designeeActor	<p>After a conditional hiring offer has been extended to an applicant for a temporary, permanent, or substitute position involving direct contact with children or students, initiates the EHR and provides the applicant with:</p> <ol style="list-style-type: none"> <li>1. A Sexual Misconduct Disclosure form, using the Ill. State Board of Education (ISBE) Sexual Misconduct Disclosure Template for Applicant at <a href="http://www.isbe.net/Documents/Temp1-ISBE-Sexual-Misconduct-Disclosure-Form-Applicant.pdf">www.isbe.net/Documents/Temp1-ISBE-Sexual-Misconduct-Disclosure-Form-Applicant.pdf</a>.</li> <li>2. Copies of the Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response form, using the ISBE Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response Template at <a href="http://www.isbe.net/Documents/Temp2-Auth-Release-Sexual-Misconduct-Related-Info.pdf">www.isbe.net/Documents/Temp2-Auth-Release-Sexual-Misconduct-Related-Info.pdf</a>, for the applicant to complete for each current/former employer,</li> <li>3. Instructions to complete and return all forms within [insert number] calendar days after receipt, and</li> <li>4. Notice that the District cannot hire an applicant who does not provide the information required by the forms (105 ILCS 5/22-94(f), added by P.A. 102-702, eff. 7-1-23).</li> </ol>
Applicant	Completes the Sexual Misconduct Disclosure form and Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response form(s) and returns them to the Superintendent, Human Resources Administrator and/or designee. 105 ILCS 5/22-94(c)(3), added by P.A. 102-702, eff. 7-1-23.
Superintendent, Human Resources Administrator, or designee	Reviews the applicant's completed Sexual Misconduct Disclosure form and Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response form(s). Maintains copies of these forms in the personnel file. See policy 5:150, Personnel Records, and administrative procedure 5:150-AP, Personnel Records.

	<p>Provides, to all employers identified by the applicant in Section 3 of the Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response form:</p> <ol style="list-style-type: none"><li>1. A copy of the Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response form (105 ILCS 5/22-94(c)(4), added by P.A. 102-702, eff. 7-1-23); and</li><li>2. Instructions to complete the form and return it to the Superintendent, Human Resources Administrator, or designee within 20 calendar days (105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23) after receipt.</li></ol> <p>For applicants licensed by ISBE, verifies the applicant's reported previous employers with previous employers in ISBE's Educator Licensure Information System (ELIS) to ensure accuracy. 105 ILCS 5/22-94(c)(5), added by P.A. 102-702, eff. 7-1-23.</p> <p>Reviews all responses received from the applicant's employers and uses information in the responses to evaluate the applicant's fitness to be hired or for continued employment. 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23.</p> <p>May report information in the responses, 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. Id.</p> <p>Note: An employer, school, school administrator, or contractor who provides information or records about a current or former employee or applicant is immune from criminal and civil liability for the disclosure of the information or records, unless the information or records provided were knowingly false. Id.</p> <p>Maintains the Sexual Misconduct Disclosure form and all responses received from the current/former employers in the personnel file. See policy 5:150, Personnel Records, and administrative procedure 5:150-AP, Personnel Records.</p>
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