CRIMINAL BACKGROUND CHECKS OVERVIEW FOR SCHOOL PERSONNEL AT FACILITIES APPROVED PURSUANT TO SECTION 14-7.02 OF THE SCHOOL CODE

Illinois School Code
105 ILCS 5/10-21.9
105 ILCS 5/14-7.02

Jessica Riddick, ISBE Legal Advisor
CHRI Check Requirements

- All certified & noncertified personnel employment applicants with public school district
  105 ILCS 5/10-21.9

- All employees of persons or firms contracting with a public school district (i.e. “contractors”) who have direct, daily contact with students
  105 ILCS 5/10-21.9(f)

- 23 Ill. Admin. Code 401.260
CHRI CHECK COMPONENTS

- Fingerprint–based check of criminal history through ISP and FBI
  - Uniform Conviction Information Act (UCIA) 20 ILCS 2635

- IL Sex Offender Registry  [http://www.isp.state.il.us/sor/](http://www.isp.state.il.us/sor/)
  or Sex Offender Registry for state in which facility is located if not IL

- IL Child Murderer and Violent Offender Against Youth Registry  [http://www.isp.state.il.us/cmvo/](http://www.isp.state.il.us/cmvo/) (recommended)
CHRI FOR §14-7.02 FACILITY EMPLOYEES
105 ILCS 5/10-21.9(F)

- CHRI check required on relevant employees of persons or firms holding contracts with any school district who have “direct, daily contact with pupils”
- Applicant authorizes CHRI check
- Onus is on public school district; reports must be returned to school district for review (see also Rule 401.260(a)(5))
- Check must be initiated prior to commencing contractual duties
- Employee is not charged fee for check & receives copy of report
# School Code Check vs. DCFS Check

<table>
<thead>
<tr>
<th>School Code check</th>
<th>DCFS check</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 401 Rules 23 Ill. Adm. Code 401.260</td>
<td>Part 385 Appendix A: Criminal Convictions Preventing Licensure, Employment or Residence in a Family Home in which a Child Care Facility Operates</td>
</tr>
<tr>
<td>105 ILCS 5/21-23a: Conviction of certain offenses as grounds for revocation of certificate (automatic disqualifying offenses)</td>
<td>Part 385 Appendix B: Matrix of Persons Subject to DCFS Background Check</td>
</tr>
</tbody>
</table>
CHRI CONFIDENTIALITY
FOR §14-7.02 FACILITIES

CHRI reports for employees of §14-7.02 facilities shall be shared as provided in Section 10-21.9(f):

- Applicant
- President of the school board
- President or Principal or Governing Board of the non-public facility
- IL State Police
- Regional Superintendent (if facilitating the check)
- State Superintendent of Education
- State Teacher Certification Board
- Any other person necessary to the decision of hiring the applicant.

Violation of confidentiality is a Class A misdemeanor.
CRIMINAL CONVICTION: PROHIBIT OR REVIEW?

- Same disqualifying convictions as public school employees (see §21-23a)
- Any other relevant criminal history reviewed by school board

**Conviction for any offense enumerated in §21-23a of the School Code vs.
Any other felony within last 7 years in IL, another state or against U.S.**

Only the §21-23a convictions are *automatic* bar! Any other felony conviction within last 7 years or any other misdemeanor may be reviewed

Nexus to school district employment

- No school board (public or non-public) shall knowingly contract with someone with a §21-23a conviction
PROHIBITED CRIMINAL CONVICTIONS
105 ILCS 5/21-23a – BY REFERENCE TO IL CRIMINAL CODE

- Certain sex offenses 720 ILCS 5/11 et seq.
- Any drug/ narcotics offenses listed in
  - Cannabis Control Act 720 ILCS 550/1 et seq. except
  - Section 4(a), 4(b) or 5(a) OR
  - If successful completion of Section 10 probation
  - Controlled Substances Act 720 ILCS 570/100 et seq. except if successful completion of Section 410 probation
  - Methamphetamine Control Act 720 ILCS 646/1 et seq. except if successful completion of Section 70 probation
- Capital offenses: 1st degree murder, attempted 1st degree murder, conspiracy to commit 1st degree murder, attempted conspiracy to commit 1st degree murder
- Class X felony offenses
- Any attempt to commit above, or any equivalent out-of-state or federal offense
## REVIEW OF CRIMINAL HISTORY BACKGROUND CHECK REPORTS

<table>
<thead>
<tr>
<th>IL CHRI Report</th>
<th>FBI CHRI Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>- May see arrest or State’s attorney filing decision</td>
<td>- States not mandated to report to FBI; information may be missing or incomplete</td>
</tr>
<tr>
<td>- Conviction information</td>
<td>- ISP reports felonies, class A &amp; B misdemeanors (may report class C)</td>
</tr>
<tr>
<td>- Compare to 105 ILCS 5/21-23a</td>
<td>- Contact arresting jurisdiction for disposition</td>
</tr>
<tr>
<td>- Review process for criminal history (other than automatic disqualifying convictions)</td>
<td>- Check other state’s criminal code; compare to IL Criminal Code</td>
</tr>
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<td></td>
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HOW TO INTERPRET A RAP SHEET

- Refer to *ISP Guide to Understanding Criminal Background Check Information*
  
  http://www.isp.state.il.us/media/docdetails.cfm?DocID=508

- Attend semiannual CHRI Symposium

- ISP Customer Service 815.740.5160
## SAMPLE IL RAP SHEET

<table>
<thead>
<tr>
<th>CRIMINAL HISTORY DATA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arrest</strong></td>
</tr>
</tbody>
</table>

DCN: P12345678 Date of Arrest: 01/12/2001  
Name: DOE, JANE Date of Birth: 01/01/1961  
Residence: 742 EVERGREEN TERRACE SPRINGFIELD, ILLINOIS  

**Arresting Agency:** SANGAMON COUNTY SHERIFF'S OFFICE  
**NCIC:** IL0840000  
**Agency Case Number:** 123456789  
**Officer Badge Number:** 007  
**Photo Available:** NO  

### Arrest Charges

<table>
<thead>
<tr>
<th>Count</th>
<th>Statute Citation</th>
<th>Literal Description</th>
<th>CSAOD</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>720 ILCS 5.0/9-1</td>
<td>MURDER</td>
<td>O</td>
<td>M</td>
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</tbody>
</table>

Arrest Type: ON-VIEW ARREST  
Date of Offense: 12/01/2000

### States Attorney Section

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**Agency Name:** SANGAMON COUNTY STATE'S ATTORNEY  
**NCIC:** IL084013A

### Court Charges/Disposition

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<tbody>
<tr>
<td>1</td>
<td>720 ILCS 5.0/9-1-A-2</td>
<td>MURDER</td>
<td>O</td>
<td>M</td>
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Disposition: GUILTY  
Disposition Date: 02/12/2001

**Case No:** 01CF42  
**Agency Name:** SANGAMON COUNTY CIRCUIT COURT  
**NCIC:** IL084025J  

<table>
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<tr>
<th>Status</th>
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## Sample IL Rap Sheet – Disposition

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SAMPLE FBI RAP SHEET

1-ARRESTED OR RECEIVED 1988/10/03
AGENCY-POLICE DEPARTMENT WAUKEGAN
AGENCY CASE-H-7069
CHARGE 1-UNLAWFUL USE OF WEAPON
CHARGE 2-UNLAWFUL POSSESSION OF A FIREARM W/ F O I D CARD

2-ARRESTED OR RECEIVED 1994/07/18 SID-
AGENCY-POLICE DEPARTMENT WAUKEGAN
AGENCY CASE-H7069 NAME USED
CHARGE 1-DOMBATT

3-ARRESTED OR RECEIVED 1995/08/02 SID-. 
Questions?

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JRIDDICK@ISBE.NET