

# Spring 2019 IACTE Meeting

## Background Check FAQ

1. Are background checks required for practicums/pre-clinicals, or only student teaching?

Section 10-21.9 of the School Code requires background checks before beginning any “student teaching experience or required internship”. Practicums, clinical experiences, internships, and student teaching are part of the definition of clinical practice. Therefore, those completing clinical experiences and clinical practice (student teaching, pre-student teaching field experiences, and internships) must do a CHRI check.

2. Is a school district obligated to report 21B-80 offenses to ROE or ISBE if a CHRI results in an indications of an applicant or employee of the offense?

Currently, there is nothing in the law that requires reporting 21B-80 offenses. However, school districts are required to report to ISBE and the ROE if they have reasonable cause to believe that an educator has committed an intentional act of abuse or neglect with the result of making a child an abused child or neglected child. (105 ILCS 5/10-21.9 (e-5). However, the School Code does not allow anyone with a 21B-80 conviction to be employed at a school in this State.

3. When did the 90 day RAP BACK change?

The 90 days that ISP keep conviction information in their system has always existed. Additionally, ISP are adding the national background information to the rap back system. This new law passed last year and became effective January 1, 2019. (P.A. 100-0718) (20 ILCS 2630/3.3).

4. Does IL school code specifically authorize ROEs to share CHRI checks with other ROEs? If so, what part specifically?

No, it does not. ROEs are not allowed to share CHRI checks with other ROEs. The only thing that they can share is the certificate that indicates that a person did not have any issues in their background check and the State report part of the background checks. However, ISP does not encourage that practice. The FBI/national report cannot ever be shared. That is found in 105 ILCS 5/10-21.9 (b).

5. Why are CHRI’s valid for only 90 days when RAP BACKS are provided to the requestor?

Illinois State Police considers a background check to become stale after 90 days. The current RAP BACK system that Illinois State Police manages only keeps the background checks in their system for 90 days. It is an ongoing process so they are constantly updating so that they have the most current information.

6. If a student teacher fails a background check and school therefore rejects the student teaching placement, what may the school district tell the IHE about why student teaching was rejected?

A school district has a right to reject any candidate for student teaching and decline to share any criminal history records information with the student's institution of higher education; however, if a school district chooses to communicate with the student's institution of higher education about that student's criminal history, it is limited to disclosing ONLY that the student has or has not been convicted for any offense listed in 21B-80 of the School Code. The school district SHALL NOT disclose any further information about any such conviction or any other criminal history to the institution of higher education – only if source is other than FBI.

7. If students must get a fingerprint check for each placement, do universities even need to require the student to do one for the university?

The decision to require fingerprint checks is up to the institution. If the institution wishes to have that information for their own reference, then it is up to them. However, if the institution runs it so they can share with school districts, then it is pointless since Illinois school districts cannot accept those background checks run by their institution of higher education.

8. Do you have a timeline for background check certificates for student teachers?

If the bill passes in the house and senate and is signed by the Governor, then possibly as early as the summer of 2019 or as late as January 2020. It is still in the drafting stage.

9. Is it acceptable for students to give agencies/school districts a copy of their IL background check?

Yes, it is. However, ISP does not encourage the practice. The FBI/national report cannot ever be shared. Therefore, even if a student gives school districts a copy of their IL background check, it would not be a complete check because the FBI/National portion would be missing.

10. Can a "certificate" be issued to clinical students to give to agencies/school districts for students IL background check? Could it be valid for one year?

No, not at this time. There is a bill in the drafting stage that will provide that for student teachers. Clinical students fall under that category.