

Faith's Law: How is it Going so Far?

Since July 1, Faith's Law has required schools to conduct extensive sexual misconduct related employment history reviews for all newly hired employees and contractors with direct contact with students.

Two months later, how are things going in your district? Let's recap Faith's Law and then – with your input – dig into implementation issues and questions you and your colleagues are facing.



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Introductions

Maryam T. Brotine, Speaker

- Assistant General Counsel, Ill. Assoc. of School Boards



Dr. Kimberly C. Chambers, Speaker

*- Exec. Dir., Ill. Assoc. of School Personnel Administrators
- Dir. of Human Resources, Adlai E. Stevenson High School District 125*



Charles (Chad) Watkins, Speaker

- Associate Dir. and General Counsel, Ill. Assoc. of School Administrators



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What words come to mind when you hear “Faith’s Law”?



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Let's Recap Faith's Law

P.A. 102-676



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- *Faith's Law* amended multiple state statutes to close significant legal loopholes related to combating grooming by:
 - Broadening the definition of *grooming* prohibited by the Criminal Code of 2012 (720 ILCS 5/11-25);
 - Authorizing the Ill. Dept. of Children and Family Services (DCFS) to investigate grooming allegations under the Abused and Neglected Child Reporting Act (325 ILCS 5/3);

Faith's Law, P. A. 102-676



- Adding a definition of *sexual misconduct* to the School Code and requiring that districts incorporate the definition into an employee code of conduct policy by 7-1-22 (105 ILCS 5/22-85.5); and
- Requiring the Ill. State Board of Education (ISBE) to, by 7-1-23, develop and maintain a resource guide for students, parents/guardians, and teachers about sexual abuse response and prevention resources available in their community (105 ILCS 5/2-3.188). See www.isbe.net/Documents/Faiths-Law-Resource-Guide.pdf

Faith's Law, P. A. 102-676



Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, by an employee or agent of the school district with direct contact with a student to establish a romantic or sexual relationship with the student. 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 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

What is *Sexual Misconduct*?



Has your district called DCFS to report suspected grooming?



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If your district has called DCFS to report suspected grooming, did DCFS acknowledge grooming as a form of abuse?



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**Have you been trained on the
definition of sexual misconduct?**



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Have you seen or used ISBE's Faith's Law Resource Guide?



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What are your questions about Faith's Law, P.A. 102-676 (not the trailer bill...yet)?



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Let's Recap the Faith's Law Trailer Bill

P.A. 102-702



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- The *Faith's Law* trailer bill, eff. 7-1-23, further combats grooming via two main components:

- Parental Notification of Sexual Misconduct
- Employment History Review (EHR)

Faith's Law Trailer, P.A. 102-702



NEW 105 ILCS 5/22-85.10

- Districts are required to develop procedures to notify the parents or guardians of students with whom a district employee, agent, or contractor:
 - Is **alleged** to have engaged in sexual misconduct; and
 - When any **formal action** is taken against the employee, including acceptance of the employee's resignation.

Parental Notification of Sexual Misconduct



NEW 105 ILCS 5/22-94

- Applies to **ALL** permanent and temporary positions for employment with a school or a contractor of a school involving direct contact with children or students.
- *Direct Contact with Children or Students*
 - Possibility of care, supervision, guidance or control of children or students or routine interaction with children or students.
- Prior to hiring an applicant to work directly with children or students, a district or contractor must ensure that there is no knowledge or information pertaining to the applicant that would disqualify the applicant from employment.

Employment History Review (EHR)



- The district in receipt of the application shall **INITIATE** an EHR by contacting the current and previous employer(s) listed by the applicant and, using ISBE's template, request the following from the current or former employer(s):
 - Dates of employment; and
 - Statement that confirms the applicant's statement regarding prior allegations of sexual misconduct, unless the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated, OR if the employer has no knowledge that would disqualify applicant.
- For applicants licensed by ISBE, districts must verify the applicant's reported previous employers with previous employers in ISBE's licensure database (ELIS) to ensure accuracy.

EHR, cont'd



- The applicant must swear or affirm that they are not disqualified from employment and complete a form based on an ISBE template that includes the following:
 - Written statement of whether the applicant has been the subject of a sexual misconduct allegation, been discharged, been asked to resign, resign, or otherwise separated from, non-renewed, or disciplined due to an adjudication or finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, or has ever had a license or certificate suspended, surrendered, or revoked or had an application for licensure denied due to an adjudication finding of sexual misconduct or while an allegation of sexual misconduct was pending or under investigation, **UNLESS** the investigation resulted in a finding that the allegation was false, unfounded, or unsubstantiated.

EHR, cont'd



- The applicant must swear or affirm that they are not disqualified from employment and complete a form based on an ISBE template that includes the following:
 - Relevant contact info of current employer and all former employers that were schools, school contractors or where the applicant had direct contact with children or students.
 - Written authorization that consents to and authorizes disclosure by the applicant's current and former employers and releases them from liability for disclosure or records.

EHR, cont'd



- No later than 20 calendar days after receiving a request for information, the employer shall disclose the requested information using ISBE's template.
- If there is an affirmative response regarding allegations of sexual misconduct, the employer shall provide additional information about the matters disclosed and **ALL** related records.
- Template shall be:
 - Maintained as part of the personnel file.
 - Completed at time of separation from employment.

EHR, cont'd



- Information received shall **not be** a public record.
- Districts have immunity for submitting information, unless knowingly false.
- Districts cannot hire an applicant until they've provided the relevant information.

EHR, cont'd



- No right to suppress relevant information regarding sexual misconduct in contracts.
- EHR is required for substitute employees.
- Contractors are required to conduct the same EHR and inform the school of any instances involving their employees, and schools can object to placement after receiving information.

EHR, cont'd



When does your district conduct EHRs?



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Did your district conduct EHRs for employees hired before 7-1-23 that started after 7-1-23?



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Are EHRs outsourced, integrated into computer software, or done by hand?



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Have you received responses to EHRs from school districts?



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Have you received responses to EHRs from other former employers (not school districts)?



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Are EHR responses from school districts received within 20 calendar days?



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Are EHR responses from other former employers (not school districts) received within 20 calendar days?



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Does your district conduct EHRs for sports officials?



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Does your district conduct EHRs for sports officials?



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What are your questions about the Faith's Law Trailer Bill?



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**If you could change one thing
about Faith's Law as a whole, what
would it be?**



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Feedback on Faith's Law

We all agree that keeping Illinois students safe is our primary objective.

We also know Educators might wish to provide feedback about their experience implementing the various requirements of the legislation.

The following email address has been set up to provide a place to gather feedback and determine if advocating for legislative update might be necessary:

FaithsLawFeedback@iaspa.org



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Additional Questions?

We thank you for your time!



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Panelists Info:

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