

Employee Background Checks and F.B.I. Fingerprinting in the Northern Illinois District LCMS

Fingerprinting and background checks are necessary to comply with SB 0143 for private school to maintain a status of recognition with the Illinois State Board of Education (ISBE). HR4472 the Adam Walsh Child Protection and Safety Act of 2006 provides private elementary and secondary schools with access to FBI criminal history information previously only granted to public schools.

AUTHORITY

Illinois Senate Bill 0143 - regarding Private Schools effective July 1, 2007

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=0143&GAID=9&GA=95&DocTypeID=SB&LegID=27422&SessionID=51>

Synopsis As Introduced

Amends the School Code. Provides that a non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless (i) the school requires all applicants for employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been convicted of specified criminal or drug offenses and (ii) the school performs a check of the Statewide Sex Offender Database for each applicant for employment, after July 1, 2007, to determine whether the applicant has been adjudicated a sex offender. Provides that no non-public school may obtain recognition status that knowingly employs a person, hired after July 1, 2007, for whom a Department of State Police and Federal Bureau of Investigation fingerprint-based criminal history records check and a Statewide Sex Offender Database check has not been initiated or who has been convicted of certain criminal or drug offenses. Contains provisions concerning a fee for the criminal history records check and reimbursement, confidentiality, and checks of employees of persons or firms holding contracts with the school. Effective July 1, 2007.

HR 4472 the Adam Walsh Child Protection and Safety Act of 2006

http://www.usdoj.gov/olp/pdf/adam_walsh_act.pdf

Basic Information: for complete information about the criminal background checks, download the pdf file Guide to Understanding Criminal Background Check Information from the Illinois State Police webpage at <http://www.isp.state.il.us/media/docdetails.cfm?DocID=508>

Four Steps to Compliance

1. Obtain an ORI (Originating Requester ID) from the Illinois State Police
2. Contact Accurate Biometrics to set up an authorization form and determine location of local branch.
3. Determine the method for receiving responses to background checks.
4. Decide where the information will be stored and who has access.

How do I get an ORI?

Contact Karen McKenna of the Illinois State Police at 815-740-5160. **This process will take approximately 4-6 weeks.**

Who is Accurate Biometrics and how can they be contacted?

To aid NID schools in gathering information correctly, the NID has an arrangement with Accurate Biometrics to provide LiveScan services to NID schools at a rate of \$50 per applicant. However, each school is free to utilize another service if it proves to be more cost effective.

Accurate Biometrics

<http://www.accuratebiometrics.com> Check the monthly schedule tab for current sites and times. **Do not** contact the site directly. For all inquiries please call toll free 866-361-9944.

Accurate Biometrics branches are located in the following NID areas:

Carol Stream	Jefferson Park	Schaumburg
Chicago	Joliet	South Holland
Crest Hill	Kankakee	Villa Park
Crystal Lake	Maywood	Waukegan
DeKalb	Moline	
Dixon	Naperville	
Elgin	Ottawa	
Freeport	Palatine	
Grayslake	Prairie View	
Harvey	Rockford	

To get connected with your local Accurate Biometrics branch office, follow the directions provided by Jim Critchfield, of AB...

Once the schools get their ORI number for this type of fingerprint, they should just call **866-361-9944** (toll free) and ask for Julie Mester at extension 202; Julie will make up an Authorization Form for the school's applicants to bring into the Biometrics facilities for the technicians to enter the data on the form into their computer. Then, the form will be given back to the applicant for disposal.

What background checks must be carried out?

- A fingerprint background check that will provide information from the Illinois State Police and the FBI.
- A check of the Statewide Sex Offender Database.

Is this required of my school? If you are presently **recognized** by the ISBE, you are required to perform these background checks on new hires as of July 1, 2007. If you are not recognized, your school is not mandated to comply at this time, but it is highly recommended that background checks be conducted. This provides a safety action for the children as well as a liability protection for you, the board members, and the school.

What Applicants Must be Checked: The School Code reads as follows...[all employees or persons or firms holding contracts with the school, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct, daily contact with the pupils.](#)

Earlier in the code it states [certified or non-certified applicants for employment with the school](#), thus including teachers.

What about Volunteers? The School Code addresses *employees*. Volunteers are not covered in the mandate. However, it is up to you locally to determine how to deal with volunteers. Infrequent volunteers, such as a one-time helper for a class party, would most likely be impractical. A regular volunteer, one that has *direct, daily contact with the pupils*, might be a good candidate for a background check – something for your board to consider.

Must I Obtain the Applicant's Signature for a Background Check? If the inquiry is for employment or licensing purposes, you are required to obtain a signed release from the applicant and **maintain it on file for at least two years**. You will need to develop an application form (with help from Accurate Biometrics) that will include the proper signature requirements, noting that this is for employment purposes.

Disqualifying Offenses: at present, the School Code provides the following list of offenses that might be used to disqualify an applicant to your school.

- Committing or attempting to commit first degree murder
- A Class X felony (kidnapping, rape and sexual assault, armed robbery or armed violence, treason, and manufacture or sale of narcotics)
- Sexual offenses outlined in section 11 of the Criminal Code of 1961
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1876&ChapAct=720%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=53&ChapterName=CRIMINAL+OFFENSES&ActName=Criminal+Code+of+1961%2E>
- Sexual assault as outlined in section 12 of the Criminal Code of 1961
- Offenses listed in the Cannabis Control Act (except sections 4a, 4b, and 5a)
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1937&ChapAct=720%26nbsp%3BILCS%26nbsp%3B550%2F&ChapterID=53&ChapterName=CRIMINAL+OFFENSES&ActName=Cannabis+Control+Act%2E>
- Those defined in the Illinois Controlled Substances Act
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1941&ChapAct=720%26nbsp%3BILCS%26nbsp%3B570%2F&ChapterID=53&ChapterName=CRIMINAL+OFFENSES&ActName=Illinois+Controlled+Substances+Act%2E>

Not every conviction for other crimes would necessarily result in a worker being ineligible for hiring. You will have to make a determination at your school as to disqualifying offenses. *Suggestion: contact your local public school district to ask if they have a guide list they use.*

What Information Will I Receive?

- The IL State Police report will list convictions known to the ISP.
- The FBI report will list any activity reported to the FBI: convictions, arrest w/o convictions, etc.
- Future updates will come to you on any individual for whom you have carried out a background check should that individual get involved in criminal actions.

How Do I Receive Results of Background Checks? You can receive the responses by:

- a. Electronically via email (response time 24-48 hours)
- b. Print via FAX
- c. Print via U.S. Mail (response time could be 2 weeks)

Should you choose the **electronic format** for receiving responses on background checks, you will need to download a **Decrypt** program to your computer. This program can be downloaded from the Illinois State Police Home page at <http://www.isp.state.il.us> , and you must register with Entrust at <https://autora02.cmc.state.il.us>
There is no cost for these downloads, but you will be unable to receive report results without these.

[**Warning:** If your operating system is Microsoft Vista, the electronic response option will not work for your school.]

Decrypting files:

- Save attachment (your response results) from ISP to the Responses folder on your C: Drive.
- Click Start/Program Files/ISP Decrypt
- Open Responses folder
- Highlight the responses to be decrypted
- Click Decrypt button
- Once the responses is decrypted you can either File, Save As (giving it a name), or Save to Decrypted Results folder.

NOTE: the IL State Police cannot reset passwords or troubleshoot the **Entrust** software. To help with these, contact the **Entrust** Help Desk at (217) 785-8880, ask for PKI section and indicate that you are having an *Entrust problem*.

You may experience some decryption errors. These might be due to a firewall blocking things, improper installation of the **Decrypt** Program, or you are not registered with Entrust.

With Whom are the Background Checks Shared?

Understand that **Confidentiality** is Important regarding this information.

1. Determine who will be authorized to see the report results. Usually, this will be the person(s) responsible for hiring.
 - a. Develop a policy clearing stating authorized person(s)

- b. Inform everyone authorized that making record information available/known to the public is a violation of Illinois law, a Class A misdemeanor.**
2. Report information can be disseminated to authorized person(s) for 30 days after receipt of report.
3. A copy of the report response must be supplied to the individual applicant within 7 days of receipt. This is ONLY to the applicant; not a parent, sibling, friend, attorney, etc.
4. All disseminations of report results must be logged.
5. After report results have been properly disseminated and used, the report must be kept in a locked file. Shred or otherwise destroy all other copies of the report, other than the copy given to the applicant.

Where are Report Results to be Stored? Keep the report results in:

- a. An electronic folder in your computer, or
- b. A locked file drawer with applicant's/employee's personnel records.

How do I Access the Sexual Offender Database?

- a. State of IL Sex Offender Registry at <http://www.isp.state.il.us/sor/>
- b. National Sex Offender Website at <http://www.nsopr.gov/>

You carry out your own search using these sites. On both sites, you must agree to the terms and conditions of use to gain access to the search engine. You can then enter your school's location from which to center the search, or you can search by the individual's name and location.

What Policies Will Need to be Developed?

Consider developing policies to address the following topics:

- Stating that criminal background checks will be carried out. Describe those workers who will be required to have background checks.
- Describe how background checks will fit into the call/hire process. (for example: Will a call/contract require that a successful background check be completed first? Will the call be extended prior to a successful background check? Will an accepted call/contract be valid only upon completion of a successful background check?)
- Identifying those authorized to have access to report results of background checks.
- Dissemination (including time frames for dissemination) and confidentiality of these result report and legal impact of failure to safeguard that confidentiality.
- Outline the disqualifying offenses for employment.
- Storage (location and time frame) and maintenance of background check results.