**Frequently Asked Questions regarding Faith’s Law Employment History Review:**

**General**

**Q: What is Faith’s Law?**

A: Faith’s Law is named after prevention advocate and child sexual abuse survivor Faith Colson, who graduated from an Illinois high school in the early 2000s. Faith’s Law was passed by the as two separate pieces of legislation. The first legislation established the definition of sexual misconduct within the School Code and outlined the requirements for schools to develop and post employee code of professional conduct policies. The second legislation adds employment history reviews as part of the hiring and vetting process for schools and school contractors, requires notices to be provided to parents/guardians and the applicable student when there’s an alleged act of sexual misconduct, and makes other changes to the process schools must follow when handling allegations of sexual misconduct.

**Q: What is the difference between the Laboratory School Fingerprint Check and the Faith’s Law Employment History Review?**

A: The School Code has two separate requirements. One requires that employees that work in schools and other agents who may have direct and/or daily contact with students in grades PreK-12 must complete a Fingerprint Criminal History Background Records Check which includes required fingerprint or other criminal background (state and Federal Bureau of Investigation), National Sex Offender Registry, and Illinois Department of Children and Family Services Child Abuse and Neglect Tracking System Checks.

The Faith’s Law Employment History Review applies to employees hired on or after July 1, 2023 who will be employed in a position that is or may be assigned work connected to the Laboratory Schools. The Faith’s Law EHR requires the University (or School Contractor) to contact employees’ former employers to request information about sexual misconduct related information.

**Q: What does “direct contact with children or students” mean?**

A: Faith’s Law defines “direct contact with children or students" means the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students. This might include employment in a lot of different settings such as a day care center worker, a camp counselor, a lifeguard, a teacher, social worker, a school bus driver, etc. The key is whether the person’s role as employee involved routine interaction with children.

**Q: What is sexual misconduct?**

A: Faith’s Law, 105 ILCS 5/22-85.5, defines "sexual misconduct" in the *Illinois School Code* as 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, charter school, or nonpublic school with direct contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to, any of the following:
         (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 sexual, romantic, or erotic nature.

 (6) A sexual, indecent, romantic, or erotic contact with the student.

**Q: How far back in time are applicants/School Contractor employees required to go to identify former employers to provide a Faith’s Law employment history review response?**

A: Per ISBE’s guidance, there is no time limitation in the statute. An applicant must provide the names of all former employers that were schools or school contractors, and all former employers at which the applicant had direct contact with children or students.

**Q:** **Does Faith’s Law Employment History Requirement apply to volunteers or student teachers?**

A: Per ISBE’s guidance, the Faith’s Law Employment History Review requirements **does not** apply to volunteers.

**University Employees**

**Q: What University employees are subject to this requirement?**

Faith’s Law applies to any employee (undergraduate student worker, faculty associates, civil service, faculty, administrative professional, graduate assistant, extra help, substitute teacher, coach) hired on or after July 1, 2023, who may work in a position that is or may be assigned work connected to the Laboratory School grounds or buildings. When a current University employee is transferred to a position with assigned work connected to the Laboratory School grounds or buildings, a Faith’s Law EHR is required to be completed.

Q: **What constitutes transferring from a position to another with assigned work connected to the Laboratory Schools?**

A: ISU considers a transfer to occur when the individual is no longer in the same department or unit.

**Q: Are University employees hired prior to July 1, 2023 subject to the Faith’s Law EHR?**

A: Per ISBE Guidance, no. Please note, if a current University employee is transferred to a position with assigned work connected to the Laboratory School grounds or buildings, a Faith’s Law EHR is required to be completed.

**Q: May an applicant be hired if they refuse to provide the information on the template?**

A: Per ISBE Guidance, no. A school or contractor may not hire an applicant who does not provide the information required on the templates for a position involving direct contact with children or students. See 105 ILCS 5/22-94(f).

**Q: For how long is an employment history review valid? For example, if an employee doesn’t work with the Laboratory School but returns to employment the following year, must the employment history review be conducted again?**

A: If there is a break in service, University Human Resources would require the individual to confirm whether they had been employed by any other employers during the break in service. If the individual did work for other employers, the University would send the Faith’s Law EHR to any new employers that had not previously provided a response. If not, the individual would be required to complete a [Faith’s Law Certification of No Change Form](https://hr.illinoisstate.edu/forms/#Forms6).

**Q:** **Can a University applicant start working pending the outcome of the employment history review?**

A: Yes, per ISBE Guidance. The employee can start work after i) the Fingerprint Criminal History Records Check is completed and cleared by Human Resources and ii) after the Faith’s Law Employment History Review has been initiated by Human Resources.

**Q: How does Faith’s Law apply to substitute teachers?**

A: Per ISBE guidance, the Faith’s Law EHR is required only prior to the initial hiring of a substitute employee or placement on the Laboratory Schools approved substitute list and shall remain valid as long as the substitute employee continues to be employed by ISU and remains on the Laboratory School’s approved substitute list.