Hickman County Board of Education

	Descriptor Term: **Background Investigations**	Descriptor Code: **5.118**	Issued Date: **12/09/24**
		Rescinds: **5.118**	Issued: **11/07/22**

General

Background checks shall be required for applicants, employees, contract workers, and volunteers.[1]

The Director of Schools/designee shall develop any necessary corresponding procedures.

APPLICANTS AND EMPLOYEES

To ensure the safety and welfare of students and staff, the district shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other positions that require proximity to children. Further, applicants who (1) have been identified by the Department of Children's Services as perpetrators of child abuse, severe child abuse, child sexual abuse, or child neglect, or who pose an immediate threat to the health, safety, or welfare of children; or (2) who are listed on the state's abuse of vulnerable persons registry maintained by the Department of Health shall not be employed.[2]

Applicants and current employees shall be entered into the federal RAP back program.[3] Notice of the following shall be provided :

1. Possible fees charged by the Tennessee Bureau of Investigation; and

2. Fingerprints will be retained by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation for all purposes and uses authorized for fingerprint submission.

Any costs incurred to perform these background checks and fingerprinting shall be paid by applicants. The Board shall reimburse applicants if the position is offered and accepted.

CONTRACTORS & VOLUNTEERS

To ensure the safety and welfare of students and staff, the district shall require criminal history background checks and fingerprinting of contactors, and volunteers and any other positions that require proximity to children. Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. The Board shall reimburse the applicant if the position is offered and accepted.[4]

Background checks shall be required of the individuals listed above at least once every five (5) years after the initial background check.[1]

USE AND DISSEMINATION

Fingerprints or other approved forms of positive identification shall be submitted with all requests for criminal history record checks for non-criminal justice purposes.[5] The director of schools shall ensure the Originating Agency Identifier number is on file at all times.

Tennessee and FBI Criminal History Record Information (CHRI) obtained by the district shall be solely used to verify criminal violation(s) and shall not be disseminated. Results shall be considered confidential and only accessible to district personnel identified by the director of schools. CHRI shall only be accessed by authorized personnel in the performance of their duties and shall never be released to the public.

All persons directly associated with the accessing, maintaining, processing, dissemination or destruction of CHRI must sign an awareness statement and shall indicate that they have been specially trained on the subject. The training shall provide those with access to criminal history record information with a working knowledge of federal and state regulations and laws governing the security and processing of criminal history information. The director of schools is responsible for ensuring that authorized personnel receive such training within 60 days of employment or job assignment and every three years.

RETENTION AND SECURITY

The Director of Schools shall develop procedures to ensure CHRI is stored in a secure location. Areas in which CHRI is processed and handled shall be restricted to authorized personnel identified by the Director of Schools. The area shall be out of the view of the public and unauthorized personnel. The Director of Schools shall maintain a list of all employees who have access to, can process, disseminate, and/or destroy CHRI.

DISPOSAL OF CHRI

When CHRI is no longer needed, it shall be destroyed by burning, shredding or other method rendering the information unreadable. Record destruction must be conducted under the supervision of the director of schools.

MISUSE

Employees who misuse CHRI or violate this policy shall be subject to disciplinary action up to and including termination. Any employee with knowledge of misuse shall immediately report a violation to the director of schools.

Legal References

1. TCA 49-5-413
2. TCA 49-5-406(a)(1); TCA 49-5-403; TCA 49-5-413(a)(2), (e)
3. TCA 49-5-413(f)
4. TCA 49-5-413(c)
5. 34 USCA § 40316

Cross References

School Volunteers 4.501
Application and Employment 5.106
Substitute Teachers 5.701