



5118 – Background Investigations

ADOPTED: April 9, 2021

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MONITORING: Annually

To ensure the safety and welfare of students and staff, the Commission shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other position that require proximity to children in any authorized charter school.¹ Additionally, the Commission shall require Department of Children’s Services background checks, Department of Health abuse registry checks, and sex offender registry checks of applicants for teaching positions and any other position that require proximity to children in any school.² Authorized charter schools shall develop procedures for the documentation of background information, including the date of the current background check and its expiration date. Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. Each school may adopt a policy for reimbursing applicants.³ These background check requirements shall also apply to contractors and school volunteers.⁴ The authorized charter school shall develop procedures specifying the types of volunteers who shall be required to undergo a background check. These procedures shall at least require the appropriate background checks for volunteers who may work closely with students.

Use and Dissemination

Fingerprints and other approved forms of positive identification shall be submitted with all requests for criminal history record checks for non-criminal justice purposes.⁵ The Commission and each authorized charter school shall ensure the Originating Agency Identifier number is on file at all times.

Tennessee and FBI Criminal History Record Information (“CHRI”) obtained by the Commission and each authorized charter school shall be solely used by the Commission and the charter school to verify criminal violation(s) and shall not be disseminated. Results shall be considered confidential and only accessible to the designated Commission staff or school leader or designee. CHRI shall only be accessed by authorized personnel in 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 specifically trained on the subject by the Commission or the authorized charter school. The



training shall provide those with access to CHRI with a working knowledge of federal and state regulations and laws governing the security and processing of criminal history information. The school leader for each authorized charter school is responsible for ensuring that authorized personnel in each school receives such training within sixty days of employment or job assignment and every three years thereafter.

Retention and Security

The Director of Schools and each school shall adopt procedures to ensure CHRI and all other background information are stored in a secure location. Areas in which CHRI and other background information are processed and handled by the district or authorized charter school shall be restricted to authorized personnel identified by the Director of Schools or the school leader. The area shall be out of the view of the public and unauthorized personnel. The Director of Schools and the school leader or designee shall maintain a list of all employees who have access to, can process, disseminate, and/or destroy CHRI and other background information.

Disposal of CHRI and other background information

When CHRI and other background information are no longer needed, they shall be destroyed by burning, shredding, or other methods rendering the information unreadable. Record destruction must be conducted under the supervision of the Director of Schools for the Commission or the school leader.

Misuse

Employees who misuse CHRI or other background information 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 Commission.

The Commission reserves the right to perform an audit of the records maintained by the authorized charter school, in accordance with its charter agreement.

Legal References:

¹ T.C.A. § 49-5-406(a)(1); T.C.A. § 49-5-413

² T.C.A. § 49-5-413(e)

³ T.C.A. § 49-5-413(c)

⁴ T.C.A. § 49-5-413

Cross References:

Application and Employment 5106

Personnel/Hiring Procedures



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⁵ 42 U.S.C. § 14616(a)