



Protecting Children: Screening Employees and Volunteers



Screening applicants for volunteer or paid positions that involve access to children helps ensure selection of suitable individuals. In fact, many states require screening of adults working with children, whether paid or unpaid. Generally, screening levels should increase in accordance with the employee or volunteer's level of access to children. While all employees or volunteers should receive some screening, the following recommendations are focused on employees or volunteers with **regular or unsupervised access to children**.

A. Legal Issues

1. Has your school worked with its attorney to:

- Comply with any laws requiring screening of employees and volunteers working with children? Yes No
- Comply with any collective bargaining agreements, school policies, or laws, such as notice requirements, that affect the ability to conduct background checks and potentially disqualify applicants? Yes No
- Follow the federal Fair Credit Reporting Act and state credit reporting laws in conducting checks? Yes No
- Develop a process for documenting its screening practices? Yes No
- Evaluate any state laws that might apply only to public schools in your state and adapt your school's practices where appropriate? This may help to meet the expected standard of care. Yes No

Actions Needed

B. Screen Before Placement

1. Does your school complete all screening procedures before hiring or placing an applicant in a position with access to children? Yes
 No

If you answered "yes," please skip the next question.

2. If applicants start work before the screening process is complete, do you require the presence of another adult at all times pending completion of the screening? Yes
 No

C. Background Checks

1. When conducting a background check prior to granting employees or volunteers access to minors, does your school:
- Check federal, state, and county criminal records in all jurisdictions where the applicant has lived during the past seven years (often cited as an industry standard) or the amount of time permitted under state law? Yes
 No
 - Check the [U.S. Department of Justice's national sex offender registry](#), a free resource? Yes
 No
 - Conduct an [FBI fingerprint check](#)? Yes
 No
 - Conduct an online search of any available database from your state's department of education regarding public school employees who may have been disciplined or discharged based on educator misconduct? Yes
 No
 - Verify residence history for the past seven years or the amount of time permitted under state law? Yes
 No
 - Search the applicant's name and other identifying information on the Internet using a common search engine such as Google? Yes
 No
 - Review publicly available social media profiles? Yes
 No

2. Does your school:
- Periodically (for example, every two to three years) recheck the criminal backgrounds of employees and volunteers who have regular or unsupervised access to children? Yes
 No
 - Direct employees and volunteers to notify the school if they are convicted of an offense, if permissible under state and federal law? Yes
 No
 - Maintain records of criminal background checks in compliance with any state law document retention policies? Note: Some states restrict what a school can maintain. Yes
 No

Actions Needed

Actions Needed

3. When using a third-party provider (such as bus drivers or food services), does your school:

- Require the provider to conduct criminal background checks on all employees assigned to the school? Yes
 No
- Require the provider to report all arrests and convictions to the school? Yes
 No

See [Protecting Children: Managing Campus Contractors and Student Educators](#) for an extended list of third-party recommendations.

D. Application

1. Does your school's written application for paid and volunteer positions:

- Ask applicants about (if legally permissible):
 - Prior criminal convictions? Yes
 No
 - Pending criminal charges? Yes
 No
 - Disciplinary action by professional licensing organizations? Yes
 No
 - Removal from any paid or unpaid position arising from allegations of misconduct? Yes
 No
 - Places of residence? Yes
 No
 - Suitable references, such as employers, schools, and volunteer or charitable organizations? Family members of the applicant are not suitable. Yes
 No
 - Granting authorization to:
 - Conduct a criminal background check? Yes
 No
 - Contact any individuals or organizations listed on the application to verify and release information? Yes
 No
 - Waiving any legal action arising from the checking or giving of references? Yes
 No
- Notify applicants that their employment or placement is conditional upon the satisfactory completion of background and reference checks? Yes
 No

For sample application language, please see the [appendix](#).

E. Reference Checks

1. When checking references for paid and volunteer positions with access to children, does your school:

- Follow the same procedures whether the position is paid or unpaid? Yes
 No
- Follow the same procedures for summer programs as the regular school year? Yes
 No
- Check with the reference by telephone unless the person asks to answer the questions in writing? Yes
 No
- Use open-ended questions to probe the applicant's personal characteristics, such as:
 - Have you observed the applicant working with children? What were your impressions? Yes
 No
 - Do you have any concerns about the applicant working directly with or supervising children? Yes
 No
 - To your knowledge, has it ever been alleged that the applicant engaged in improper conduct with children? Yes
 No
- Create a written record of reference checks that includes any notes showing the questions asked and the answers given? Yes
 No

Actions Needed



F. Interviews

1. When conducting personal interviews, does your school ask questions similar to the following to determine whether the individual has difficulty in developing adult relationships or exhibits an excessive interest in developing personal relationships with children? For example:

- Why are you interested in working with children? Yes
 No
- Why do you enjoy working with children? Yes
 No
- What about this position appeals to you? Yes
 No
- How would you respond to a situation involving potential sexual misconduct or abuse of the children you interact with? Yes
 No

2. During the interview, does your school discuss its policies on child safety and emphasize that it has zero tolerance for sexual misconduct? Yes
 No

G. Red Flags and Disqualification Criteria

Red Flags

1. Does your school consider the following information about an applicant a “red flag” or suspicious:

- Unexplained gaps in the applicant’s personal or employment history? Yes
 No
- Unstable employment or residence history; frequent changes of residence or transfers? Yes
 No
- Failure to list contact information for supervisors at previous jobs or volunteer positions? Yes
 No
- Other incomplete or inaccurate information? Yes
 No
- Excessive interest in developing one-on-one relationships with children? Yes
 No
- Difficulty maintaining meaningful adult relationships or low self-esteem? Yes
 No

2. When a red flag appears, does your school review information gained from other screening practices, such as the application, criminal background check, online search, or personal interview, to verify or reduce the concern? Yes
 No

3. When concern over a red flag is not reduced by the information gathered from other screening practices, does your school decline the applicant for a position with access to children? Yes
 No

Actions Needed

Automatic Disqualification

1. Does your school automatically disqualify candidates if they:

- Fail to complete the screening process? Yes
 No
- Have a history of sexual misconduct with children? Yes
 No
- Have been convicted of any crime involving children in which the underlying facts demonstrated misconduct or abuse? Yes
 No
- Have a history of violence? Yes
 No
- Have a history of sexual assault? Yes
 No
- Were terminated for cause because of misconduct with a child? Yes
 No
- Provide false information during the screening process? Yes
 No
- Would be disqualified to be a public school employee based on the state law disqualifications for certain criminal backgrounds? This may help to meet the expected standard of care. Yes
 No

Discretionary Disqualification

1. When deciding whether to disqualify a candidate for other types of misconduct or adverse information discovered during the screening process, does your school:

- Review the:
 - Prior criminal background or misconduct's relatedness to the job requirements? Yes
 No
 - Applicant's employment or volunteer history before and after the misconduct? Yes
 No
 - Applicant's efforts and success at rehabilitation? Yes
 No
 - Circumstances or factors indicating whether the misconduct is likely to be repeated? Yes
 No
 - Nature, severity, number, and consequences of incidents of misconduct? Yes
 No
 - Circumstances surrounding each incident, including contributing societal or environmental conditions? Yes
 No
 - Age of applicant at time of the incident? Yes
 No

Actions Needed

- Consult with professionals, such as legal counsel or a human resources (HR) expert, before making a decision to disqualify? Yes No
- Protect the school and the hiring decision makers by having other stakeholders provide input to the hiring decision, such as supervisor, HR director, dean of faculty, and head of school? Yes No

H. Introductory Periods

1. For newly placed contract employees with access to minors, has your institution considered a three- to six-month introductory period? Yes No
2. If yes, does your school document employee compliance with child safety rules during the introductory period? Yes No

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Actions Needed

Appendix: Sample Application Language

• Have you been convicted of a crime?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• While in the military service, were you convicted by a general court-martial?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Are you currently under charges for a criminal offense?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Within the last 10 years, have you been fired, recommended for dismissal, or asked to resign from any job for any reason?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Within the last 10 years, have you quit a job after being notified that you would be fired?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Have you ever been professionally disciplined in any state?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Have you ever been disciplined by an employer?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Have you ever resigned during an investigation or disciplinary situation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Have you ever been counseled by an employer about any concerns regarding you maintaining appropriate boundaries with students, or any other concern about your interactions with students?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If you answered yes to any of the above questions, please explain what occurred, including a description of the situation, the date it occurred, and the employer for whom you worked. Please note that a positive response to any question will not result in automatic disqualification from employment, but the school will evaluate each situation on a case-by-case basis.</p>	

Actions Needed



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