

Obion County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: Background Investigations	Descriptor Code: 5.118	Issued Date: draft
		Rescinds:	Issued:

1 *General*

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

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

4 **APPLICANTS AND EMPLOYEES**

5 To ensure the safety and welfare of students and staff, the district shall require criminal history
6 background checks and fingerprinting of applicants for teaching positions and any other positions that
7 require proximity to children. Further, applicants who (1) have been identified by the Department of
8 Children's Services as perpetrators of child abuse, severe child abuse, child sexual abuse, or child
9 neglect, or who pose an immediate threat to the health, safety, or welfare of children; or (2) who are
10 listed on the state's abuse of vulnerable persons registry maintained by the Department of Health shall
11 not be employed.² Any costs incurred to perform these background checks and fingerprinting shall be
12 paid by the applicant. The Board shall reimburse the applicant if the position is offered and accepted.³

13 Background checks shall be required of these employees at least once every five (5) years after the date
14 of hire.¹

15 **USE AND DISSEMINATION**

16 Fingerprints or other approved forms of positive identification shall be submitted with all requests for
17 criminal history record checks for non-criminal justice purposes.⁴ The Director of Schools shall ensure
18 the Originating Agency Identifier number is on file at all times.

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

24 All persons directly associated with the accessing, maintaining, processing, dissemination, or
25 destruction of CHRI shall sign an awareness statement and shall indicate that they have been specially
26 trained on the subject. The training shall provide those with access to CHRI with a working knowledge
27 of federal and state regulations and laws governing the security and processing of criminal history
28 information. The Director of Schools is responsible for ensuring that authorized personnel receive such
29 training within sixty (60) days of employment or job assignment and every three (3) years.

1 **RETENTION AND SECURITY**

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

7 **DISPOSAL OF CHRI**

8 When CHRI is no longer needed, it shall be destroyed by burning, shredding, or other methods
9 rendering the information unreadable. Record destruction shall be conducted under the supervision of
10 the Director of Schools.

11 **MISUSE**

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

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Legal References

1. Public Acts of 2018, Chapter No. 1006
2. TCA 49-5-406(a)(1); TCA 49-5-403;
TCA 49-5-413(a)(2), (e)
3. TCA 49-5-413(c)
4. 34 USCA § 40316

Cross References

School Volunteers 4.501
Application and Employment 5.106