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Criminal History Review

Revised November 14, 2013

QUESTIONS AND ANSWERS

CRIMINAL HISTORY RECORD CHECKS

The Criminal History Review Unit (CHRU) is responsible for conducting criminal history background checks on employees in the public, private handicap, and nonpublic schools in New Jersey. It is the principle objective of the unit to execute the statutory mandates of the enabling legislation, N.J.S.A.18A:6-7.2 et seq., N.J.S.A.18A:39-19.1 et seq., N.J.S.A. 18A:6-4.14 et seq., and N.J.S.A. 18A:12-1.2 et seq. in a comprehensive and responsible manner. The criminal history record check process includes a fingerprint search of the applicant/employee by the New Jersey State Police (NJSP) and the Federal Bureau of Investigation (FBI). **The acronym in this report for the Department of Education shall be identified as DOE and Criminal History Record Check shall be identified as CHRC.**

THE EDUCATIONAL FACILITY OR AUTHORIZED CONTRACTOR IS STATUTORILY RESPONSIBLE TO ENSURE THAT THE APPLICANTS, EMPLOYEES, OR BOARD/TRUSTEE MEMBERS COMPLETE THE CRIMINAL HISTORY RECORD CHECK PROCESS PRIOR TO EMPLOYMENT OR SERVICE. THEY SHALL PROVIDE THE INDIVIDUAL WITH INSTRUCTIONS ON ACCESSING THE ONLINE E-PAYMENT PROCESS. UPON COMPLETION OF THIS PROCESS, THE APPLICANT MAY ACCESS THE MORPHOTRUST WEBSITE THROUGH A LINK ON THE E-PAYMENT PROCESS CONFIRMATION PAGE.

The following is a list of frequently asked questions and answers regarding the criminal history background check process. Please review all questions as some categories may overlap. If you have a question that does not appear on this list, please contact the Criminal History Review Unit at 609-292-0507 for a response and to have your question included in our next update.

QUESTIONS AND ANSWERS

CRIMINAL HISTORY RECORD CHECKS

(N.J.S.A. 18A:6-7.2 et seq., N.J.S.A. 18A:39-19.1 et seq., N.J.S.A. 18A:6-4.14 et seq., and N.J.S.A. 18A:12-1.2 et seq.)

1. How does a new applicant apply for a Criminal History Record Check?

1. Access the Criminal History Review Unit's Web address to begin the process. The Web address is <http://www.nj.gov/education/educators/crimhist>. Click on "File Authorization and Make Electronic Payment for Criminal History Record Check" and then click on "New Administration Fee Request (Initial Applicants)." Select the position for which you are applying.
2. Complete the On-Line Applicant Authorization and Certification (AA&C) request. The AA&C request consists of 3 steps; Input information and Legal Certification, Payment, and Submit.
3. Obtain a MorphoTrust Universal form from your employer. The codes required to complete the first 8 blocks of the MorphoTrust Universal form will be provided by your employer.
4. Access the MorphoTrust Web page at <http://www.bioapplicant.com/nj>, schedule a fingerprinting appointment, and submit to LiveScan fingerprinting.
5. When the Criminal History Review is completed, the applicant will receive an approval letter with the blue seal of the State of New Jersey or an Ineligible or Disqualification letter.

NOTE: Detailed instructions for completing the process can be found at <http://www.nj.gov/education/educators/crimhist>. Click on "ePayment Criminal History Record Check Instructions."

2. How does an applicant complete the Archive Process?

1. The employing entity must authorize the Archive submission.
2. Your most recent Process Control Number (PCN) is required for this process. Your PCN number can be obtained from your previous MorphoTrust receipt or your most recent approval letter with the blue seal of the State of New Jersey.
3. Access the Criminal History Review Unit's Web address to begin the process. The Web address is <http://www.nj.gov/education/educators/crimhist>. Click on "File Authorization and Make Electronic Payment for Criminal History Record Check" and then click on "Archive Application Request (Applicants Previously Fingerprinted And Approved Subsequent to February 2003)." Enter your social security number and click on "continue." Select the position for which you are applying.
4. Complete the On-Line Applicant Authorization and Certification (AA&C) request. The AA&C request consists of three steps: Input Information and Legal Certification, Payment, and Submit.
5. The Applicant is NOT required to go to a site for Live Scan fingerprinting. The Criminal History Review Unit will request the check from MorphoTrust.

See Question #13 for who is eligible for the Archive Process.

NOTE: Individuals who have filed online for the ePayment Criminal History Record Check and failed to print a copy of the receipt may now access the [Receipt Reprint Request](#) located at the

same Website cited above and obtain a copy of the receipt for any previously submitted online request.

3. What are the disqualifying statutes and the year of their enactment?

October 8, 1986

- Sexual Offenses
- Child Abuse

August 11, 1989

- Sexual Offenses or child molestation as set forth in 2C:14-1 et seq.
- Endangering the welfare of a child or incompetent as set forth in 2C:P24-4 and 2C:24-7.
- Crime or offense involving the manufacture, transportation, sale, possession or habitual use of a controlled dangerous substance as defined in the New Jersey Controlled Dangerous Substances Act.
- A crime involving the use of force or the threat of force to or upon a person or property including: armed robbery, aggravated assault, kidnapping, arson, manslaughter and murder, or simple assault involving the use of force which results in bodily injury.
- In any other state or jurisdiction, a conviction involving conduct which, if committed in New Jersey would constitute any of the crimes or disorderly persons offense described in this section of this act.

June 30, 1998

- All first or second degree crimes.
- Child Abuse as set forth in R.S.9:6-1 et seq.
- Drug offense changed to reflect "as defined in the Comprehensive Drug Reform Act of 1987 2C:35-1 et al. or drug paraphernalia as defined in 2C:36-1 et seq.
- A crime involving the use of force or the threat of force to or upon a person or property including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder.
- A crime as set forth in Chapter 39 of Title 2 C (Weapons), a third degree crime as set forth in Chapter 20 (Theft) and the following crimes:
 - Recklessly endangering another person 2C:12-2
 - Terroristic threats 2C:12-3
 - Criminal restraint 2C:13-2
 - Luring, enticing child into MV, structure. Isolated Area. 2C:13-6
 - Causing or risking widespread injury or damage 2C:17-2
 - Criminal Mischief 2C:17-3
 - Burglary 2C:18-2

- Usury 2C:21-19
 - Threats and other improper influence 2C:27-3
 - Perjury and false swearing 2C:28-3
 - Resisting arrest 2C:29-2
 - Escape 2C:29-5
- Or Conspiracy to commit or an attempt to commit any of the crimes described in this act.
 - Applies if crime occurs in any other state or jurisdiction and is comparable to NJ law.

February 21, 2003

- Legislation enacted that mandated the NJ State Police retain the state fingerprint image on all applicants for school employment. Should the applicant be arrested subsequent to their approval, the CHRU will be notified and will contact the employing facility to take the appropriate action.

MorphoTrust (Formally Sagem Morpho)

4. What is the cost of the LiveScan fingerprinting process for school employment?

The current fee for new applicants for school employment, including nonpublic schools, is \$67.50. There also is a \$10.00 administrative fee that is charged by the Department of Education (DOE) plus a convenience fee charged by the vendor Nic USA. All Applicants and employees must submit requests for criminal history record checks, archive submission requests, and duplicate approval letter requests via ePayments on the department Website. **NEW APPLICANTS MUST NOT SCHEDULE AN APPOINTMENT WITH MORPHOTRUST TO BE FINGERPRINTED UNLESS THEY HAVE SUBMITTED THE ONLINE INITIAL APPLICATION REQUEST TO THE CRIMINAL HISTORY REVIEW UNIT.**

5. Is the applicant required to make one or two payments?

Two payments are required for the process. The initial payment must be paid online to DOE with a credit or debit card in the amount of \$10.00 plus a convenience fee for Nic USA. The second payment is payable to MorphoTrust in the amount of \$67.50 in the form of a credit or debit card if scheduling online and by money order if paying at the time of printing. This payment will cover the fee for MorphoTrust, the State Police, and the Federal Bureau of Investigation.

6. Who is responsible for paying the criminal history background check fees?

The law states that the applicant must be responsible to pay all fees for the criminal history background checks, including any administrative costs. However, the employing educational facility may reimburse the paid applicant for the cost of the printing, including any administrative fees.

7. How should the applicant schedule their appointment with MorphoTrust?

Following submission of the Authorization, Legal Certification, and Administrative Fee to the DOE, applicants must schedule appointments online by accessing the MorphoTrust Website at the link on the confirmation page. This is the most convenient and quickest way to schedule an appointment. You may also access the MorphoTrust Website at: <http://www.bioapplicant.com/nj>. Also, English-speaking and Spanish-speaking applicants may call 1-877-503-5981. Hearing impaired applicants should call 1-800-673-0353. The call for hearing impaired must be placed from a telephone that is connected to a modem.

8. Approximately how long is the turn-around time before the applicant is sent to MorphoTrust?

To ensure compliance with state statute, the applicant must file the Authorization, Legal Certification, and Administrative Fee payment online at the department Website. Upon completion of the online process, the applicant may contact MorphoTrust for an appointment to scan the fingerprints. Usually, appointments are available within seven working days.

9. What criteria are required to have MorphoTrust send a mobile unit to an educational facility or authorized school bus contractor site to fingerprint applicants?

Requirements:

- Scheduling agencies requiring a minimum of 35 to 40 applicants to be fingerprinted will pay a flat service fee of \$400.00 and will be assigned one operator. Scheduling agencies with 41 to 80 applicants will pay a flat fee of \$800.00 and will be assigned two operators. The aforementioned fee does not include the fee for state and federal processing of the fingerprints.
- Capacity to house the fingerprint technician and his/her equipment (150 to 200 square feet per technician).
- Appropriate furnishing, i.e. desk, chairs, waiting area.
- Access to an analog telephone line for the purpose of transmitting data to the MorphoTrust server.
- Suitability for a business office environment allowing safe operation of computers and other electronic equipment. Other items to be considered are heat, humidity, electric service, and parking in close proximity to the site.
- All arrangements for mobile unit processing must be made through the CHRU by calling 609-292-0507. Please allow six-eight weeks to schedule a mobile unit.

10. Can a prospective job applicant for hire in an educational facility use a vendor other than the state-authorized vendor (MorphoTrust) to have their fingerprints processed (LiveScan) through DOE for pre-employment screening?

No, MorphoTrust is the ONLY state-authorized vendor for fingerprint screening.

11. What procedure will be followed if the prints are rejected under the new LiveScan system? (BPR)

We anticipate a highly reduced rejection rate using LiveScan fingerprinting. However, when the CHRU receives information of a Bad Print Reject (BPR), we will notify the employing educational facility or authorized school bus contractor. We will then notify MorphoTrust that the applicant's fingerprints were rejected, and they will contact the applicant/employee via US mail directly to schedule a new appointment at no charge. Please note: the New Jersey State Police (NJSP) and Federal Bureau of Investigation (FBI) have a 90-day timeframe from the date the prints were rejected for the individual to resubmit for re-printing. Thereafter, both agencies will purge their records, and the individual will need to be printed as a new applicant.

12. What positive identification may be required by MorphoTrust when scanning prints?

Photo driver's licenses or other government-issued identification bearing the individual's photo will suffice. Most county clerk's offices and the Motor Vehicle Commission will issue a photo ID at a minimal charge. The applicant/employee must also have the MorphoTrust Universal form in their possession at the time of LiveScan fingerprinting by technician.

13. Who is eligible for the Archive Submission Process?

Applicants that were LiveScan printed subsequent to February 21, 2003 and have had the state fingerprint image retained by the NJSP and category Education Keep (EDK), are eligible for the Archive Submission Process. The request for this process must be authorized by the employing entity and the employee must submit the request online at the department Website. This form must include the most recent Process Control Number (PCN) obtained from their previous MorphoTrust receipt or their most recent approval letter with the blue seal of the State of New Jersey. The employee will not be required to go to a site to be LiveScan fingerprinted. This office will request the check from MorphoTrust.

14. What is the fee for the Archive Submission Process?

The current fee for the Archive Submission Process is \$32.55 plus a convenience fee for Nic USA. The Criminal History Review Unit will distribute the fee as follows: \$16.50 for the FBI to search the print images and \$6.05 for MorphoTrust to retrieve the fingerprints from archive and transmit them to the FBI. The fee also includes a \$10.00 administrative fee for the DOE to process the request and issue the approval letter.

EDUCATIONAL FACILITY/AUTHORIZED SCHOOL BUS CONTRACTOR

15. Which applicants or employees are required to undergo the criminal history record check?

If the job position is mentioned in the statute (N.J.S.A.18A:6-7.2 i.e. teaching staff member, substitute teacher, teacher aide, child study team member, school physician, school nurse, custodian, school maintenance worker, cafeteria worker, school law enforcement officer, school

secretary or clerical worker), regardless of pupil contact, the individual must submit to the criminal history record check. In addition, any individual that has "regular pupil contact" must also undergo the criminal history record check. "Regular pupil contact" is determined by the employing education facility in consultation with the school attorney.

16. When the applicants are approved by the state, what does the educational facility receive indicating the approval and how long will this take? What is acceptable proof of approval for applicants and employees?

The applicants will receive a letter with the blue seal of the State of New Jersey mailed to their home address. The educational facility or school bus contractor will continue to receive the computer printout from the executive county superintendent's office. The process should take approximately ten days from when the applicant is printed unless follow-up investigation is required. Valid proof of approval for applicants and employees would be the following:

- a. a copy of the approval letter with the blue seal;
- b. the weekly computer printouts listing the applicant and the approval date;
- c. information obtained on the department's Website "Criminal History Record Check Status."

IT IS THE EMPLOYING EDUCATIONAL FACILITY OR AUTHORIZED SCHOOL BUS CONTRACTOR THAT MUST ENSURE EMPLOYEES HAVE COMPLETED THE CRIMINAL HISTORY RECORD CHECK PROCESS. IF NO APPROVAL IS RECEIVED WITHIN THREE TO FOUR WEEKS, PLEASE CONTACT THE CHRU AT 609-292-0507.

17. May educational facilities/authorized school bus contractors still use the emergent hiring process?

Yes, if an applicant meets the criteria for emergent hiring and the employing educational facility can demonstrate to the executive county superintendent that an emergent need for that service exists, it may complete the emergent hiring form. However, the employee must file online with DOE for Initial Applicant Request or Archive Submission Process and then schedule the appointment with MorphoTrust prior to starting employment.

18. If an employee has been fingerprinted in the State of New Jersey for another purpose, is the employee required to go through the CHRC process again?

Yes, since the regulations concerning dissemination of criminal history information prohibit sharing that material outside the intended purpose. Federal and state security and privacy regulations dictate that dissemination of this information may only be for the purpose expressed in the "Reason Fingerprinted."

19. If an employee changes jobs within the same educational facility, will s/he be required to submit to another CHRC?

No, once an employee has gone through the process for one position, that employee may serve in any other position in that educational facility, except the position of school bus driver without submitting to a new criminal history record check. However, if the employee desires to become a substitute teacher, NJ Administrative Code requires a criminal history record check prior to the county office issuing substitute credentials. In this scenario, if the employee had a criminal history record check for the same facility within five months of the application for substitute credentials, that criminal record check may be used by the county office for issuance of the teaching credentials.

20. If an individual is hired after October 8, 1986 for a position without regular pupil contact and later transfers to a position with pupil contact, must that person undergo the Criminal History Record Check process?

Yes, it should occur prior to the time of transfer to the new position.

21. Are volunteers and student teachers required to undergo the CHRC process?

Unpaid volunteers may now be submitted for the state and federal criminal history record check at a reduced fee from that which is charged for paid employees. Recently, the department has been authorized to allow school districts to submit student teachers for the criminal history record check process. They may be submitted by using the same codes and fees as that used for submitting the unpaid volunteer. However, the state will not retain or flag the print image. Therefore, if the unpaid volunteer or student teacher is arrested subsequent to approval, no notification will be made to the department. Should the student teacher or the unpaid volunteer seek employment with an educational facility, they would be required to undergo a new criminal history record check as would a new applicant for employment. They would not be eligible for the Archive Submission Process. Also, upon request from the nonpublic schools, this office will process volunteers using the nonpublic school statute, N.J.S.A.18A:6-4.14.

22. Are employees who are hired for summer programs by the educational facilities required to undergo the CHRC process?

Yes, the law states that the district may not employ or contract for the services of an individual without submitting that applicant through a criminal CHRC process. If the individual is hired each summer, the educational facility may check with their board attorney as to whether the resolution could be extended from year to year until such time as there is a resolution terminating that employee's position.

23. Are employees under the age of 18 required to undergo the CHRC process?

Yes, although juvenile criminal records are not available for non-criminal justice purposes, the State Bureau of Identification will report if the juvenile is listed on the sexual offender's list or if the juvenile is charged as an adult. Juveniles may obtain working papers at age 14 years. However, if the juvenile will be working in a paid position at the school that s/he attends, fingerprinting would not be required. The juvenile has the legal authority to attend school.

24. What about school crossing guards who are employed by the municipality and assigned to the educational facilities?

These individuals are not required to undergo the fingerprint process unless they are employed or contracted by the educational facility.

25. Are there any penalties for an educational facility, authorized school bus contractor, or employee who does not comply with the law?

Yes, the educational facility or employee may be subject to administrative action and a \$500.00 fine. School bus contractors and bus drivers who violate the provisions of this statute may be fined \$5,000.00 and be denied direct access to the CHRU for processing future criminal history record checks on their drivers and aides.

26. If an educational facility hires an employee from another educational facility on a part-time basis, is that individual required to undergo the CHRC process?

Yes, except for individuals employed in a substitute capacity or a contract service provider employee that works in multiple educational facilities simultaneously. Please see letter for "Contract Service Providers Working in Multiple Educational Facilities Simultaneously" at the following site: <http://www.nj.gov/education/educators/crimhist>.

27. Are athletic officials (i.e., umpires, referees, etc.) who officiate interscholastic games required to undergo the CHRC process?

No, they are exempt.

28. Are athletic coaches or coaching staff members required to go through the CHRC process?

Yes, if they are employed or contracted by an educational facility. NJAC requires coaches to obtain a substitute teaching certificate.

29. Are School Board members (elected or appointed) required to submit to the Criminal History Record Check?

Effective May 26, 2011, N.J.S.A. 18A:12-1.2 et seq. mandates that all School Board members and members of a Board of Trustees for charter schools submit to the Criminal History Record Check.

30. Are State Monitors required to submit to the Criminal History Record Check?

They are considered employees of the district and therefore, are required to submit to the Criminal History Record Check.

31. How will contract employees working for the educational facility be included in the CHRC process?

It will be the responsibility of the educational facility where the contractor's employees will be working to process these individuals. The educational facility will supply the contractor with MorphoTrust Universal forms and instructions for completing the criminal history record check process online. The educational facility and authorized school bus contractor have total responsibility to ensure that all employees of the contract service provider have complied with the criminal history record check process.

32. Are employees such as food service workers who were originally employed by a district and now work for a contractor who provides these services to the same educational facility be required to resubmit to the CHRC process?

As long as these employees continue working in the same educational facility under contract with no break in service, they will not be required to undergo the criminal history record check process.

33. Are tutors required to undergo the CHRC process?

Tutors, as employees of an educational facility, who have regular contact with pupils, or one-on-one computer contact, must undergo the criminal history record check process.

34. If an employee is laid off (dismissed because of employee reduction) and is asked to be re-employed by the educational facility or authorized school bus contractor, will that person have to undergo the CHRC process again? What about maternity and family leave?

If employees are laid off, their employment is terminated and they must submit to a new criminal history record check when they are re-employed. In cases of maternity and family leave, the applicant is placed on a leave of absence and is "made whole" upon returning to the educational facility and is not required to undergo the criminal history record check.

35. When does an approval letter expire?

Approval letters issued by the Criminal History Review Unit are valid only in the district that employs the applicant. A new approval letter is required whenever changing districts/contractors or seeking employment in more than one district. (This does not apply to substitute positions or school bus drivers.)

36. What is the procedure for professional or certificated employees of a contract service provider that work in multiple districts simultaneously?

Please visit our Website at: <http://www.nj.gov/education/educators/crimhist> for this response. A letter addressing this issue under the signature of the Chief of Staff has been circulated and is titled "Contract Service Providers Working in Multiple Districts."

37. Are substitute employees (i.e., teachers, custodians, nurses etc.) required to undergo the CHRC process again when changing educational facilities?

For the first calendar year after the approval date, a substitute employee may be put on any substitute list in any educational facility in the state without providing proof of continuous employment. After the first calendar year of the approval date, there is no need to have the individual reapply for a criminal history record check when adding a new educational facility as long as one of the original educational facilities is annually rehiring the substitute and there is no break in service. However, the new employer should require proof of continuous employment. An individual, who is first hired as a substitute and later selected for a permanent position within the same educational facility, is not required to undergo a new criminal history record check.

38. What procedure should be followed for individuals in substitute positions and school bus drivers who change or add on new employers?

Effective January 18, 2011, all educational facilities and authorized school bus contractors that employ school bus drivers or individuals serving in substitute positions who transfer from one employer to another, must submit a Transfer Request online at the department Website, to the Criminal History Review Unit. Please visit our Website at: <http://www.nj.gov/education/educators/crimhist> and select "ePayment Criminal History Record Check" then select Transfer Request (Only Substitutes & Bus Drivers are eligible). There currently is no fee for filing a Transfer Request.

39. For substitute employees how should an educational facility verify an employee completed the CHRC process in another educational facility?

You may request that the substitute produce their approval letter bearing the official state seal in blue or contact the Criminal History Review Unit.

40. Will the Department of Education notify the employing educational facility of the qualification of an applicant?

Yes, the applicant will receive an approval letter bearing the official state seal in blue in the center of the letter. The educational facilities, private schools for children with disabilities, charter schools, and authorized school bus contractors will be sent a computer printout sheet via the respective executive county superintendents' office listing all approved applicants for the previous week. The Criminal History Review Unit will mail computer printout sheets with approval information to the nonpublic schools on a weekly basis.

41. Will the Department of Education notify the employing educational facility or authorized school bus contractor of the disqualification of an applicant?

Yes, upon confirmation of a conviction or pending crime/offense of a disqualifying nature, the educational facility or authorized school bus contractor will immediately be notified that the applicant is disqualified or not eligible for employment. Our investigators confirm employment through the Department of Labor Wage Reporting Database on all applicants/employees who are

disqualified, rendered ineligible or suspended by the Motor Vehicle Commission. This process will assure that those educational facilities and contract service providers who employ individuals serving in substitute positions, school bus drivers or individuals working in multiple districts simultaneously, will be notified to take the appropriate action.

42. When will the Department of Education notify the applicant of his/her disqualification?

Simultaneously, with notification to the educational facility or authorized school bus contractors, the applicant is also notified via regular mail of their disqualification from employment. The applicant has 30 days to challenge the accuracy of the criminal history record.

43. If the criminal history background check reveals convictions for crimes which are not disqualifying, may the Department of Education disclose those convictions to the employing educational facility or authorized school bus contractor?

No, the Privacy Act precludes the Department of Education from disseminating criminal history record information to the employing entity.

44. If an educational facility or authorized school bus contractor wants to check an employee who is not required to go through the process by law, what procedure should it follow?

There is a law that permits an employer to request an employee to submit to a state fingerprint check (no federal check is allowed). Contact the NJ Division of State Police at 609-882-2000 extension 2918 and request a 212B Applicant State Fingerprint Check form.

45. May educational facilities or authorized school bus contractors deny employment to an applicant who refuses to submit to a Criminal History Record Check?

Yes, if the job category is included in the law or there is regular pupil contact, the applicant **must** submit to a background check or not be hired.

46. If an applicant holding a teaching certificate is disqualified, what action will be taken?

As required by law, the Department of Education will notify the State Board of Examiners for appropriate action.

47. What is a "break in service?"

When the individual's employment is no longer required as indicated by Board Resolution, this would constitute a "break in service."

48. What is "continuous employment?"

When an employee is "board-approved" by resolution in the same educational facility, s/he is considered to have continuous employment. Once the employee leaves that district to seek employment in a new district, that person no longer has continuous employment.

49. If an employee transfers to schools *within the same district*, are they required to undergo a new Criminal History Record Check?

No, since the educational facility is the common employer.

50. When should an employee be required to undergo a "new" Criminal History Record Check?

A school bus driver must submit to a new CHRC upon renewal of his/her driver's license. All other employees who break service with the employing educational facility are considered new employees and must submit to a new criminal history record check through the new educational facility. The exception is employees in substitute positions. Please see response in Question #37.

51. May substitute certificates be issued before a Criminal History Record Check has been completed? Is a new Criminal History Record Check required for renewing the substitute credentials?

Applicants applying for a substitute teaching certificate from the county superintendent must produce an approval letter from the Criminal History Review Unit prior to the certificate being issued. However, the employing educational facility may employ the substitute on an emergent basis if they demonstrate a need exists. A new criminal history record check is not required for renewing the substitute credentials providing the credentials have not expired.

52. How often will county offices be notified of criminal history checks that have been completed?

Under normal circumstances, printouts will be distributed weekly.

53. Do all employees who are submitted for a Criminal History Record Check require a Board Resolution and executive county superintendent's approval prior to employment?

Those individuals who need to be hired on an emergent basis will require an executive county superintendent's approval. All other employees who are being processed must wait for the Criminal History Review Unit to issue an approval letter prior to starting their employment.

54. Does the educational facility have to wait for the executive county superintendent's approval on the Emergent Hiring form before the district may permit the employee to start working?

Yes, an applicant may not begin working until the educational facility has received an Emergent Hiring form signed by the executive county superintendent.

55. Where do contractors send Emergent Hiring forms for approval?

Authorized school bus contractors who have been assigned specific code numbers by this office may send requests for emergent hiring directly to the executive county superintendent along with a copy of the resolution authorizing that company to transport children in a specific school district. All other contractors must go through the respective school district.

56. When does the applicant's three-month emergent hiring begin, upon the board approval date, county approval or receipt of online application data by the Criminal History Review Unit?

The three-month emergent hiring begins with the approval of the executive county superintendent, the required online initial application or archive application request is submitted, and the applicant has scheduled an appointment with MorphoTrust for LiveScan fingerprinting.

57. What are the procedures to follow should the time-line of three-months expire?

Requests for a two-month extension must be submitted to the Criminal History Review Unit. Educational facilities and authorized school bus contractors should check with the applicant to ascertain whether they received an approval letter before sending in requests for extensions.

58. Is the emergent approval interchangeable with all educational facilities for substitute employees or must each educational facility apply for emergent approval for the substitute; i.e. if a substitute teacher is seeking employment in four educational facilities, must each facility request approval?

The emergent approval from the executive county superintendent is not interchangeable with other districts. Each request must be submitted by the respective employing district/contractor.

59. Is there a need to verify emergent approval prior to the issuing of a substitute certificate?

The substitute may not teach in a public educational facility until that person undergoes the background check and obtains valid substitute teaching credentials. The exception would be if the employing district obtained an emergent hiring approval for the substitute teaching position from the county superintendent. In that case, the credentials could be issued pending the criminal history background check.

SCHOOL BUS DRIVER

60. May authorized school bus contractors process their drivers directly to the CHRU?

Yes, they must make application to this office, and they will be assigned their own code numbers.

61. When must school bus drivers undergo the Criminal History Record Check?

School bus drivers must submit to the criminal history record check upon initial application for a school bus driver endorsement and upon renewal of the basic driver's license.

62. When should the school bus driver begin the Criminal History Record Check process required to renew their "S" endorsement?

A school bus driver should start the criminal history record check process no sooner than three months prior to the expiration of his/her driver's license to facilitate a smooth transition.

63. Are charter bus operators required to undergo the Criminal History Record Check process?

Charter bus operators used on an infrequent basis are exempt because they do not have "regular pupil contact."

64. If a school bus driver is employed or contracted by a public school district to transport private school children, must that person undergo the Criminal History Record Check process?

Yes, since the driver is an employee of a public educational facility, the driver must be fingerprinted.

65. On initial application for a school bus driver's license or renewal of this license, is the school district, contractor, or school bus driver applicant responsible for submitting proof of the Criminal History Record Check to the Motor Vehicle Commission?

Yes, for initial application and renewal of the school bus driver's "S" endorsement, the driver shall provide a copy of the Criminal History Review Unit approval letter to the Motor Vehicle Commission.

66. What procedure must be followed when a school bus driver transfers to a new company or district with a valid approval date?

Please refer to Question #38.

67. What is the difference between the school bus driver and school bus aide?

School bus drivers must use *N.J.S.A. 18A:39-19.1* when submitting to the criminal history record check. They are printed initially when obtaining the "S" endorsement from the Motor Vehicle Commission and thereafter, each time they renew their driver's license. The school bus aide must be printed under *N.J.S.A. 18A:6-7.2*. Thereafter, if they remain with the same company, no further printing is required. However, if the aides change employers, they must undergo the criminal history record check as a new employee.

68. May a school bus driver renew their "S" endorsement if they are currently not employed as a school bus driver?

No, a school bus driver must be employed with an educational facility or an authorized school bus contractor prior to undergoing the criminal history record check through the Department of Education. Should the school bus driver's "S" endorsement expire, the Motor Vehicle Commission will allow a period of time for the driver to renew the endorsement. If the school bus driver does not renew in that period of time, s/he will be required to undergo new testing for the "S" endorsement.

69. Under what circumstances may an educational facility or authorized school bus contractor re-instate a disqualified employee.

When an employee is disqualified, suspended, or released by the employing entity based on a notification of ineligibility by the CHRU, the employing entity may not rehire that individual until they receive written notification from our office.

70. (NEW) If an employee of an educational facility retires and then returns to school employment, what procedure must be followed?

Guidance should be sought regarding re-employment as a retiree's pension benefits may be adversely affected.

Additional updates will be posted to the Website when available.

If you have any questions, please contact the Criminal History Review Unit at (609) 292-0507.

CHC/cc/Q&A October 31, 2013



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