Superintendent's Regulation 9200-R

CRIMINAL HISTORY BACKGROUND CHECKS

Approved Upon Superintendent's Initials **Date** 7-7-2015

I. SCOPE

This regulation supports New York State law requirements pertaining to fingerprint supported criminal history background checks.

II. DEFINITIONS

A. Clearance for Employment: The District has received notification from NYSED that a New Hire has been cleared and may legally work in the District.

B. Contractor: Any individual, corporation, consultant, or firm who is not an employee of the District and provides services to the District for a fee or other consideration.

C. Denial of Clearance: Notification from NYSED that a New Hire has not been cleared to work in the District based upon the criminal history records check. NYSED notifies the New Hire of the denial, provides an opportunity to appeal the determination, and sets the time in which the New Hire may submit his or her appeal. If NYSED denies an appeal or a New Hire does not appeal the determination, the District cannot employ the New Hire and any conditional offer of employment will be revoked.

D. Direct Contact: In person, face-to-face communication or interaction between a District Student and one or more non-employed students under the age of 21 years.

E. District: Rochester City School District.

F. District Student: A Student enrolled in a grade-level instructional program of the District that is employed part-time and supervised by full-time District staff.

G. HCI: Human Capital Initiatives.

H. LIVESCAN: Digital Fingerprint Services that allows fingerprints to be photographed digitally and instantly submitted along with the New Hire's demographic data to the New York State Education Department (NYSED).

I. New Hire: Except for a District Student, a candidate who has been given a conditional offer of employment with the District, subject to the District's receipt of background clearance from NYSED and any other pre-employment requirements.

J. NYSED: New York State Education Department.

K. OSPRA: Office of School Personnel Review and Accountability.

L. Pending Clearance: On occasion, fingerprints are rejected due to poor images, because an account was not created in TEACH or because additional review is required before a determination can be made.

M. Requestor: District employee seeking to use services of a Contractor.

N. SAVE: Safe Schools Against Violence in Education legislation, enacted in 2000.

O. TEACH: NYS Education Department's database – create an account, submit and pay for fingerprint cards, digital fingerprints and tracks fingerprint results

III. PROCESS FOR NEW HIRES

A. New York State Law requires that new employees of the District (except District Students) undergo a fingerprint supported criminal history background check. New employees cannot begin work until fingerprinted and cleared by NYSED.

B. The District fingerprints all new employees (except District Students):

1. Board of Education Non-Teaching Employees (BENTE), Rochester Association of Paraprofessionals (RAP) non-teaching and Per- Diems are not required to pay the NYSED processing fee.

2. Association of Supervisors and Administrators of Rochester (ASAR), Superintendent's Employee Group (SEG) and Rochester Teachers Association (RTA) and Per Diem Teachers are required to pay the NYSED processing fee.

C. Acceptable Fingerprinting Identification Documents

1. To establish identification, New Hires must bring one item from List A **OR** one item from List B and one item from List C to the fingerprinting appointment. (The lists are attached as Exhibit A.)

D. HCI Responsibility

1. HCI completes the top portion of the Fingerprinting Requirement form specific to the Bargaining Unit prior to referring the New Hire to the Fingerprinting Office. (The Fingerprinting Requirement forms are attached as Exhibit B.)

2. HCI will direct the New Hire to the Fingerprinting Office to schedule an appointment for fingerprinting. The New Hire shall be instructed to provide his or her name, job title, phone number and work location.

3. If a New Hire was fingerprinted in the past by NYSED, HCI should provide the New Hire with a "Request for Employment Fingerprinting Clearance" form for

those previously fingerprinted form completion, which is attached as Exhibit C. HCI submits this completed form to fingerprinting@rcsdk12.org.

4. Upon confirmation of a full clearance, HCI will create a PeopleSoft account for the New Hire and email the PeopleSoft Employee Number to fingerprinting@rcsdk12.org.

5. HCI prints the clearance letter from NYSED and files it in the employee's personnel file.

6. If the candidate has not cleared NYSED Fingerprinting process, HCI will notify the candidate's hiring Department and the Fingerprinting Office.

7. HCI shall notify the Fingerprinting Office upon the separation of employment of any District employee.

E. New Hire Responsibility

1. The New Hire will be required to contact the Fingerprinting Office to schedule an appointment within 24 hours of meeting with HCI, report to the scheduled appointment, and assist in setting up an account for their fingerprints in TEACH.
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2. New Hires required to pay the NYSED processing fee must bring a personal credit card, a postal money order or certified check payable to the District to pay the on-line processing fee.

3. The New Hire must bring:

   a. Identification as indicated on the "Acceptable Identification Documents" list

   b. Payment (if applicable)

4. The New Hire will be responsible for resolving any issues that arise due to delayed or denied clearance, including but not limited to providing any and all requested information to NYSED. If the prints were rejected due to poor images, the New Hire must call 262-8606 for an appointment or request a fingerprinting appointment by email at fingerprinting@rcsdk12.org. The New Hire must bring the rejection letter to the appointment.

F. Fingerprinting Office Responsibility

1. Upon receipt of clearance report from NYSED, the Fingerprinting Office will email the fingerprint status to HCI.

2. The Fingerprinting Office will document the clearance in the PeopleSoft Fingerprint screen.

3. For clearance requests via a Request for Employment Fingerprinting Clearance for those previously printed by NYSED form, the Fingerprinting Office will check the New Hire's status in TEACH and email results to HCI.

4. Upon notification that an employee is no longer with the District, the Fingerprinting Office shall terminate the employee's affiliation with the District in TEACH and deactivate the employee's identification badge.

IV. PROCESS FOR CONSULTANTS' OR CONTRACTORS' EMPLOYEES/SAS PROVIDERS

A. A Contractor, including any employee and subcontractor of the Contractor providing services to the District, must obtain Fingerprinting Clearance from NYSED if:

1. the Contractor has a contract with the District under which it is paid a fee;

2. the Contractor will be providing services under a contract at a District location AND will have direct contact with District students for five (5) days or more in the school year.

All individuals to whom the Fingerprinting requirements apply must obtain Fingerprinting Clearance from NYSED prior to providing services under the contract.

It shall be the responsibility of the Requestor, and the Requestor's Supervisor/Chief to ensure that no individual, except for a volunteer, provides services under a contract with the District without required fingerprinting clearance. This responsibility includes, but is not limited to, monitoring continued compliance and notifying the Department of Law of any noncompliance and changes to personnel providing services under the contract.

B. Process for Contractors to Obtain Fingerprinting

1. Contractor's Responsibility

a. It is the Contractor's responsibility to ensure that any individual performing services under the contract, except volunteers, have a TEACH account. The process for creating an account can be found at:

http://www.highered.nysed.gov/tcert/ospra/fpprocess.html

b. The District does not fingerprint Contractors or their employees. Contractor fingerprinting must be taken at another authorized agency. Information about where fingerprints may be taken can be found at:

http://www.highered.nysed.gov/tcert/ospra/fpprocess.html#two

c. If the Contractor is an individual contracting with the District, he or she must provide the completed Request for Fingerprinting Clearance for Contractors form to the Requestor for processing by the District's Office of Fingerprinting. If the Contractor is an entity contracting with the District and will have multiple individuals providing services under the contract, the Contractor must designate a responsible employee for purposes of ensuring that all required Fingerprinting Clearance Forms are submitted to the Requestor. (The Contract Request for Fingerprinting Clearance is attached as Exhibit D.)

d. The Contractor shall ensure that any employee or representative providing services under the contract have required NYSED fingerprinting clearance.

e. The Requestor shall notify the Contractor if any individuals designated to perform services under the contract have been denied clearance. It is the Contractor's responsibility to contact NYSED for further details.

2. Requestor's Responsibility

a. The Requestor must obtain a Vendor Packet from the Department of Law, including the instructions for obtaining Fingerprinting Clearance and the Request for Fingerprinting Clearance Forms.

If fingerprinting clearance is required, the Requestor must obtain a list from the Contractor of each individual who will provide services under the contract with the District, and the completed Request for Fingerprinting Clearance Forms for each individual providing services under the contract.

The Requestor must then submit the list and the Request for Fingerprinting Clearance Forms to the Office of Fingerprinting to process. The Requestor must also submit the list to the Department of Law. The Office of Fingerprinting will transmit the Certificates of Fingerprinting Clearance and the matching Request for Fingerprinting Clearance Forms to the Requestor and the Department of Law.

b. A Certificate of Fingerprinting Clearance does not authorize services to begin. A fully executed contract must be in place prior to the start of any services.

c. It shall be the responsibility of the Requestor to designate on the Request for Fingerprinting Clearance Form whether the individual is authorized to have access to the building.

d. It shall be the responsibility of the Principal, Supervisor/Chief, as applicable, to designate on the Request for Clearance Form whether the individual is to have building access and to notify the Office of Fingerprinting when such access is terminated.

e. The Office of Fingerprinting shall not issue a District Contractor Badge to the Contractor unless and until it receives notification from the Department of Law that the contract has been fully executed.

V. PROCESS FOR HIRING DISTRICT STUDENTS

A. The District does not require the criminal history background check process and fingerprinting for District Students unless they are expected to have Direct Contact with non-employed students.

B. For District Students expected to have Direct Contact with non-employed students, the District shall complete a background check for all such District Students. As of September 1, 2015, all such background checks shall be completed prior to their commencement of work.

C. All required background checks of District Students shall include no less than two of the following: a recommendation of a District teacher, counselor or administrator; student interview conducted by a District teacher, counselor or administrator; and a review of District Student's academic record.

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Exhibit A

FINGERPRINTING

ACCEPTABLE IDENTIFICATION DOCUMENTS

To establish identification, you must bring the following items to the fingerprinting appointment:

One item from List A

LIST A
Documents that Establish Both Identity and Employment Eligibility

1. U.S. Passport (unexpired or expired)
2. Permanent Resident Card or Alien Registration Receipt Card *(Form I-151)*
3. Unexpired foreign passport, with a temporary *I-551 stamp*
4. Unexpired Employment Authorization Document that contains a photograph *(Form I-688, I-688A, I-688B, I-766)*
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer

OR

One item from List B and one item from List C

LIST B
Documents that Establish Identity

1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
3. School ID card with a photograph
4. Voters' registration card
5. U.S. Military card or draft record
6. Military dependent's ID card
7. U.S. Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian government authority

LIST C
Documents that Establish Employment Eligibility

1. U.S. social security card issued by the Social Security Administration *(other than a card stating it is not valid for employment)*
2. Certificate of Birth Abroad issued by the Department of State *(Form FS-545 or Form DS-1350)*
3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. Native American tribal document
5. U.S. Citizen ID Card *(Form I-197)*
6. ID Card for use of Resident Citizen in the United States *(Form I-179)*
7. Unexpired employment authorization document issued by DHS *(other than those listed under List A)*

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Exhibit B

	Request for Employment Clearance from NYSED for RCSD New applicant or Per Diem Substitute	Rochester City School District Safety & Security Department 131 West Broad Street Rochester, NY 14614 Tel: 585-262-8606 fingerprinting@rcsdk12.org

Instructions:

- This form is to be completed and emailed to fingerprinting@rcsdk12.org by Human Capital Initiatives/hiring department to secure a "Clearance for Employment" for an individual who has been previously fingerprinted with the New York State Education Department (NYSED).
- If previously fingerprinted in New York City, please do not complete, and notify the Fingerprinting Office for further details.
- Upon requesting clearance, the Fingerprinting Office will email the clearance results to HCI/hiring department and request an employee number.

Type or PRINT all information. Inaccurate, incomplete or illegible information will delay processing.

SECTION 1 (To be completed by New applicant or Per Diem Substitute)

I hereby authorize the Rochester City School District to request clearance from NYSED and link my fingerprints to the district.

Name (Last, First, Middle Initial)	Social Security #	Employee #	Date of Birth (mm/dd/yyyy)	
Mailing Address	**City**		**State**	**Zip**
Phone #	**Email address**			
Position title:				
Location assigned to:				
Per Diem Substitute or Applicant's Signature:			**Date:**	

SECTION 2 (To be completed by Human Capital Initiatives)

Director's Signature:	Telephone Ext:

OFFICE USE ONLY

____ Full Clearance _____/_____/_____ _____ PeopleSoft Updated

____ No NYSED Record, must be fingerprinted _____ Emailed clearance results to HCI/hiring department

Date: _____/_____/_____

Notes:

Email completed form to: Fingerprinting@rcsdk12.org

Rochester City School District
Department of Safety & Security - Fingerprinting
131 W. Broad Street
Rochester, NY 14612
Fingerprinting@rcsdk12.org
585/262-8606

Request for Fingerprinting Clearance from NYSED for Non-RCSD Staff

(Must have a paid contract with RCSD)

Instructions:

*This form is **ONLY** for agency staff that have contracted with the RCSD (district pays them for their services)*

(This form will not be accepted for Non-paid agencies because those that have not entered into a paid contract with the RCSD, per NYSED, are not required to submit a Request for Clearance form

It is the responsibility of the RCSD Requestor to make sure all agency employees whose agency has entered into a paid contract with the RCSD are cleared by the New York State Education Department (NYSED) and not another fingerprinting entity prior to providing services to RCSD students in a district facility.

Complete this form to secure a "Clearance for Employment" for an individual who has been **previously** fingerprinted and cleared by the NYSED. Agency employees CANNOT work until NYSED clearance has been confirmed. If previously fingerprinted in New York City, please do not complete, and notify the Requestor.

Section 1: Agency employee completes this form and submits it to their Agency Office Manager.

Section 2: Agency Office Manager completes this form and submits it to the School Principal or Secretary for building access if the assignment is in a school building.
(If the assignment is not in a school building, submit the form directly to the Requestor.)

Section 3: The School Principal or Secretary emails the form to the "Requestor".

Section 4: The Requestor completes this form and submits it to fingerprinting@rcsdk12.org.

- Upon receipt of this form, the Fingerprinting Office "requests clearance" from NYSED and links the clearance to RCSD. Then emails the fingerprint clearance status and the ID badge process to all parties that completed this form.
- ID badges will be issued only after the Fingerprinting/ID Office emails the fingerprint status to all parties. (A photo identification is required to obtain a district badge) Building access will only be granted with the school principal's approval.

Type or print all information. Inaccurate, incomplete or illegible information will delay processing.

SECTION 1 (Agency Employee)

Name: (Last, First, Middle Initial)	Social Security Number:	Date of Birth: (mm/dd/yyyy)
Mailing Address:	**City/State/Zip:**	**Email Address:**
Home Telephone:	**Cell phone:**	**Title of position employee currently holds:**
RCSD assigned school/s:	**Employee's Signature:**	

SECTION 2 (Agency Office Manager)

Agency Name and Address & Zip Code:	Telephone:
Agency Office Manager's Name:	**Email Address:**
Agency Office Manager's Signature:	**Date:**
	___/___/____

SECTION 3 (Principal or School Secretary)

Access to building: ____Approved ____Denied	Date: ___/___/____
School Principal or Secretary Name: (Please PRINT)	**School Principal or Secretary Signature:**

SECTION 4 (Requestor)

Requestor's Name (please print):	Employee ID #:	Telephone:
Location of Services:		**Term of Contract:**

SAFETY & SECURITY OFFICE USE ONLY

____ Requested Clearance Date:____/____/____	____ Other _____
____ Full Clearance Date: ____/____/____	____ Notified School & Agency Office Manager Date: ____/____/____
____ Issued ID Badge Date: ____/____/____	

Rochester City School District 131 W. Broad Street Rochester, NY 14612	**Request for Fingerprinting Clearance from NYSED for Non-RCSD**	

Instructions:

It is the responsibility of the agency and Requestor to make sure all agency employees are cleared by the New York State Education Department (NYSED) and not another fingerprinting entity prior to providing services to RCSD students in a district facility.

Complete this form to secure a "Clearance for Employment" for an individual who has been previously fingerprinted and cleared by the NYSED. Agency employees CANNOT work until NYSED clearance has been confirmed. If previously fingerprinted in New York City, please do not complete, and notify the Requestor.

Section 1: Agency employee completes this form and submits it to their Agency Office Manager.

Section 2: Agency Office Manager completes this form and submits it to the School Principal or Secretary for building access if the assignment is in a school building. (If the assignment is not in a school building, submit the form directly to the Requestor.)

Section 3: The School Principal or Secretary emails the form to the "Requestor".

Section 4: The Requestor completes this form and submits it to fingerprinting@rcsdk12.org.

- Upon receipt of this form, the Fingerprinting Office "requests clearance" from NYSED and links the clearance to RCSD. Then emails the fingerprint clearance status and the ID badge process to all parties that completed this form.
- ID badges will be issued only after the Fingerprinting/ID Office emails the fingerprint status to all parties. (A photo identification is required to obtain a district badge) Building access will only be granted with the school principal's approval.

Type or print all information. Inaccurate, incomplete or illegible information will delay processing.

SECTION 1 (Agency Employee)

Name: (Last, First, Middle Initial)	Social Security Number:	Date of Birth: (mm/dd/yyyy)
Mailing Address:	**City/State/Zip:**	**Email Address:**
Home Telephone:	**Cell phone:**	**Title of position employee currently holds:**
RCSD assigned school/s:	**Employee's Signature:**	

SECTION 2 (Agency Office Manager)

Agency Name and Address & Zip Code:	Telephone:
Agency Office Manager's Name:	**Email Address:**
Agency Office Manager's Signature:	**Date:**
	___/___/____

SECTION 3 (Principal or School Secretary)

Access to building: ___Approved ___Denied	Date: ___/___/____
School Principal or Secretary Name: (Please PRINT)	**School Principal or Secretary Signature:**

SECTION 4 (Requestor)

Requestor's Name (please print):	Telephone:
Location of Services:	**Term of Contract:**

SAFETY & SECURITY OFFICE USE ONLY

___ Requested Clearance Date:___/___/___	___ Other _____
___ Full Clearance Date: ___/___/___	___ Notified School & Agency Office Manager Date: ___/___/___
___ Issued ID Badge Date: ___/___/___	

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Exhibit C

FINGERPRINTING

	Request for Employment Fingerprinting Clearance for those **PREVIOUSLY PRINTED BY NYSED**	Rochester City School District Safety & Security Department 131 West Broad Street Rochester, NY 14614 Tel: 585-262-8606 Fax: 585-935-7438 fingerprinting@rcsdk12.org
Instructions	• This form is to be filled-out and emailed to fingerprinting@rcsdk12.org by the School Secretary or the hiring department to secure an employment clearance for an individual who has been previously fingerprinted with the New York State Education Department (SED). • If previously fingerprinted in New York City, please do not complete, and notify the Fingerprinting Office for further details. • I hereby authorize the Rochester City School District to request clearance from NYSED and link my fingerprints to the District.	

Type or PRINT all information. Inaccurate, incomplete or illegible information will delay processing.

SECTION 1 (To be completed by Substitute or Potential District Employee)

Name (Last, First, Middle Initial)	Social Security Number	Date of Birth	
Mailing Address	**City**	**State**	**Zip**
Title of Position substitute or potential employee will be placed in:			
RCSD school name or location:			
Substitute or New Hire's Signature:	Date:		

SECTION 2 (To be completed by School Secretary, or hiring department)

Office Manager's Name (with title):	Telephone:

OFFICE USE ONLY

_____ Request for Clearance date: ___/___/___ ____ Full Clearance

_____ No NYSED record, must be fingerprinted ____ PeopleSoft Updated

_____ Notified hiring school department ___/___/___ ____ Issued ID Badge ___/___/___

FP Coordinator: Date: ___/___/___

Notes:

Email completed form to: Fingerprinting@rcsdk12.org

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FINGERPRINTING

Exhibit D

Request for Fingerprinting Clearance from NYSED
FOR CONTRACTORS

Type or print all information. Inaccurate, incomplete or illegible information will delay processing.

If previously fingerprinted in New York City, please do not complete, and notify the Fingerprinting Office for further details.

Section 1: Contractor obtains forms from all of their employees who will be providing services under a proposed contract with the District. Contractor completes a list of all individuals providing services under the contract and designates status of each individual (employee, volunteer, subcontractor, etc.) and submits it to the School Principal or Secretary

Section 2: The District Requestor completes and emails the forms and list, along with complete vendor packet, to the Department of Law. The Request for Fingerprinting Clearance Forms must be emailed by the Requestor to the Office of Fingerprinting fingerprinting@rcsdk12.org. The Office of Fingerprinting will provide the Department of Law with the Certificates of Clearance.

Instructions:

- Upon receipt of this form, Department of Law will email the form to the Fingerprinting Office, which will request clearance from SED and link the clearance to RCSD. The Fingerprinting Office emails the fingerprinting status and the ID badge process to all parties that completed the form and emails the Certificate of Clearance to the Department of Law.
- ID badges will be issued only after the Department of Law notifies the Fingerprinting Office that the contract has been fully executed. A photo identification is required to obtain a district badge. Building access will only be granted if the District Requestor approves the request.

Contractor CANNOT provide services until NYSED clearance has been confirmed and a fully executed contract is in place.

SECTION 1 – TO BE COMPLETED BY CONTRACTOR

Name of Contractor or Individual

Contractor Name and Address: Email Address:

Contactor's Designated Responsible Party: Telephone:

SECTION 2 – TO BE COMPLETED BY CONTRACTOR EMPLOYEE/SUBCONTRACTOR

Name: (Last, First, Middle Initial) Social Security Number: Date of Birth (mm/dd/yyyy)

Mailing Address: City: State: Zip:

Email Address: Home Telephone: Cell Phone:

Signature:

SECTION 3 – TO BE COMPLETED BY DISTRICT

District Principal/Department Head/Chief

Description of Services

Location of Services

Term of Contract

CONTINGENT UPON FULLY EXECUTED CONTRACT

Access to building: ___ Approved ___ Denied Date: ___/___/___

District Principal/Department Head/Chief: Signature:

FINGERPRINTING/ID BADGE OFFICE USE ONLY

___ Request for Clearance Date: ___/___/___ ___ Full Clearance Date: ___/___/___

___ Other _____ ___ Notified Principal/Department Head/Chief and Contractor's Designated Responsible Party Date: ___/___/___

Notes:

___ Issued ID Badge Date: ___/___/___

Coordinator: Date: ___/___/___