



BACKGROUND INVESTIGATION CHECK



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BACKGROUND INVESTIGATION CHECK

STATE DEPARTMENT OF EDUCATION
BACKGROUND RECORDS OFFICE

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I. FOREWORD

This booklet is designed to help Local Educational Agencies (LEAs) and other organizations understand and manage Idaho code regarding Background Investigation Checks (BIC) and the corresponding implementation process. The booklet will provide information such as when to fingerprint a new employee, directions for using the BIC website, and when to call the State Department of Education (SDE) for assistance.

A major emphasis of the BIC process is to protect children.

According to Idaho statute, §33-130, “The department of education, through the cooperation of the Idaho state police, shall establish a system to obtain a criminal history check... on certificated and non-certificated employees, all applicants for certificates...”

This booklet explains the BIC process and is designed to help implement the BIC process for Local Education Agency and other organization employees in a timely manner.

On the day the SDE receives fingerprint cards from Local Education Agencies or other organizations, and again when the BIC results are received in the SDE, information is posted on the BIC website.

Please use this booklet to understand and manage BICs in your Local Educational Agency.

II. CONTACT INFORMATION

If you have questions after thoroughly reviewing and working with the background investigation check website, please call Shannon Haas in the Background Records Office at:

Phone: (208) 332-6888

Email: shhaas@sde.idaho.gov

Fax: (208) 334-2228

If questions are of a technical nature, please call rather than e-mail.

III. DEFINITIONS

Following the description of certain terms or titles listed, acronyms (i.e., FBI for Federal Bureau of Investigation) will be used throughout this manual.

Applicant: An individual applying for Idaho certification; or a certificated or non-certificated individual applying for employment.

Background Investigation Check (BIC): A fingerprint process to determine if an applicant has criminal arrests and/or convictions in Idaho, any other state, or applicable jurisdictions.

Background Investigation Check Result: Information resulting from processing fingerprints through the databases maintained by the Bureau of Criminal Identification, the Federal Bureau of Investigation, and the Idaho Statewide Sex Offender Registry.

Background Records Office (BRO): The office at the SDE that oversees the fingerprint process for LEAs and other organizations.

BIC Status Date: the date the results are received from the BIC and entered into the database.

Break in Service: A voluntary or involuntary termination of employment, including retirement.

Bureau of Criminal Identification (BCI): Idaho State Police agency responsible for processing background investigation checks.

Bus Company: All contracted bus companies transporting Idaho children.

Certificate: A document issued by the State Department of Education defining a specific area in which a certificated individual may deliver educational services.

Certificated Employee: An individual who holds an Idaho education credential and is employed in a certificated position.

Certification Division/Professional Standards: The division responsible for certifying educators, monitoring the Code of Ethics for Idaho Educators and implementing Idaho statute regarding background investigation checks.

Disposition: Final court decision for either a misdemeanor or felony.

Federal Bureau of Investigation (FBI): The federal agency responsible for processing national background investigation checks.

Felony: A major crime which is punishable by imprisonment in the state prison.

Grandfathered: Certificated and non-certificated employees hired prior to June 1, 1991, and employed in the same Local Educational Agency are “grandfathered” and are not required to undergo a BIC.

Hit: The results of a BIC showing evidence of an arrest and/or conviction.

“Home” LEA: The employing Local Educational Agency that arranges for the employee to undergo a required BIC by submitting a completed fingerprint card, the Fingerprint Verification Form (Appendix F4) and the \$40 fee.

Local Educational Agency (LEA): A term referring to public school districts, including charter schools and private or parochial schools.

Idaho Code (I.C.): A document containing Idaho statutes requiring mandatory compliance.

Memorandum of Agreement (MOA): A signed document between the State Department of Education and an LEA or bus company defining the rules for use of the BIC website.

Misdemeanor: A minor crime punishable by a fine or imprisonment in a county jail.

Multiple District Assignment/Substitute Teacher Form for School Personnel: This form is to be used by employees working in multiple capacities within the same district or in multiple districts and allows the employee to undergo only one Background Investigation Check without the need for a new Background Investigation Check in each district when submitted within three months of the open date.

National Association of State Directors of Teacher Education and Certification (NASDTEC): A professional organization representing entities such as professional standards boards, commissions and state departments of education in all 50 states.

Non-Certificated Employee: An individual employed in a non-certificated position (e.g., administrative assistant, cook, custodian)

Open Date: The date a fingerprint card is received by the State Department of Education and entered into the database as an electronic file.

Other Organization: Such as bus companies and universities.

Professional Standards Commission (PSC): An advisory body to the State Board of Education established by Idaho statute and housed in the State Department of Education.

State Board of Education (SBOE): A statutory policy-making body created for the general supervision, governance and control of Idaho public, private, parochial and higher education.

State Department of Education (SDE): A statutory body that acts as the executive agency of the SBOE and has "...the responsibility for carrying out policies, procedures and duties authorized by law or established by the State Board of Education for all elementary and secondary school matters."

Substitute Teacher: An individual who temporarily replaces a certificated classroom educator and is paid substitute teacher wages one day or more during a school year.

Substitute Other Than Teacher (SOTT): An individual who temporarily replaces a non-certificated employee (i.e., administrative assistant, cook, custodian, bus driver)

Supplemental Educational Services (SES): Tutoring and other academic assistance provided outside of the regular school day to eligible public school students in schools that are in the second year of improvement, corrective action, or restructuring.

The Volunteers for Children Act (VCA): A federal statute that authorizes national fingerprint-based background investigation checks of volunteers and employees of qualified entities that provide service to children.

IV. BACKGROUND INVESTIGATION CHECK (BIC) WEBSITE

http://www.sde.idaho.gov/site/teacher_certification/criminal_history.htm

A. INFORMATION

1. To help ensure that children for whom you are responsible are in the safest environment possible, it is important for you to use the website discussed below. The following pages contain information regarding the BIC website and how to use it effectively and efficiently.
2. The website is **updated daily** and available to:
 - a. view current information regarding applicants/employees for whom fingerprint cards were sent to the SDE for processing; determine when the SDE received the fingerprint cards;
 - b. receive daily updates with the latest results from the BCI;
 - c. know when to call the SDE in reference to “hits”, BCI status, or other questions; and
 - d. assist the LEA and SDE in tracking individuals who have not received a timely BIC.

IMPORTANT – It is the responsibility in each district to check the website on a daily basis to determine the status of its employees. Please do not assume that “no news is good news.”

The information on the website is for LEA use only and cannot be disseminated to ANY individual or agency. All requests for BIC should be referred to the SDE.

B. MEMORANDUM OF AGREEMENT (MOA) AND PASSWORD

1. In order to access the BIC website, it is necessary for each LEA or other organization to sign an MOA (see Appendix F1) and obtain a pertinent password.

When there is a change in the LEA superintendent or the other organization owner/designee, a new MOA is required. With a properly signed MOA, a new password **will be** issued to the LEA or other organization contact person.

2. Upon receipt of a signed MOA, the SDE will issue a BIC password to LEAs and other organizations.
3. This agreement defines the rules for using BIC results for an LEA or other organization.
4. Please contact Shannon Haas in the Background Records Office at (208) 332-6888 if you need additional information.

C. ACCESSING THE BIC INTERNET SITE

To access the BIC website, follow the five steps that are outlined on pages 9 - 10.

Step One: To access the BIC website, the superintendent/designee of the LEA or other organization **must** have the following:

- SDE-issued password
- Applicant's name (first or last), or
- Applicant's Code (see page 11)

NOTE: items in the boxes are exact pictures of the website screens.

Step Two: Go to <https://www.sde.idaho.gov/crimhist/default.asp>

The following screen will appear:



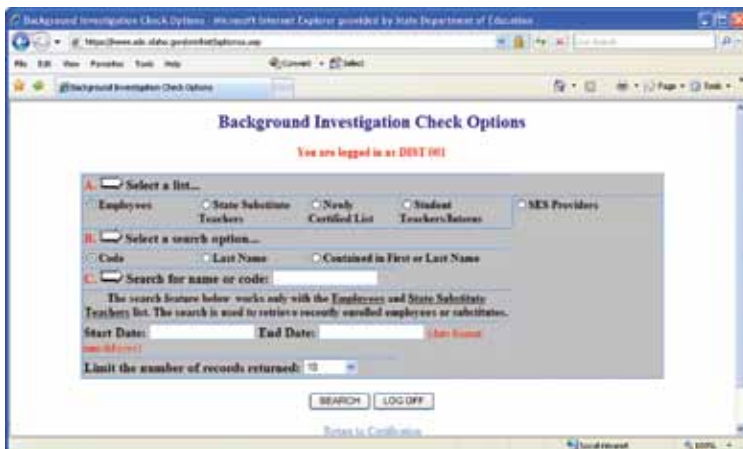
Step Three: Select the LEA or other organization from the drop-down menu and click on

“Login.” The following screen will appear:



Step Four: Enter the LEA or other organization password and click on “Login.” The screen below will appear:

D. BACKGROUND INVESTIGATION CHECK OPTIONS



Step Five: Click on one of the search options for A and B and complete C.

A.

Employees - Shows employee(s) in your district with BICs on file.

State Substitute Teachers - Shows list of substitute teachers for Idaho.

Newly Certified List - List of all new educators who applied for certification but are not employed in a school district.

Student Teachers/Interns - Shows list of student teachers and interns who have completed a BIC in Idaho.

SES Providers - List of tutors who have completed a BIC in Idaho.

B.

(Applicant's) Code - The first three letters of the last name and the last four numbers of the employee's social security number.

Last Name - The employee's last name.

Contained in First or Last Name - Type in any part of an employee's first or last name. This will bring up a complete list of individuals whose names contain these letters.

C.

Search for name or code - This is where the code, last name, or partial first or last name is typed.

Start Date/End Date (Optional) - Parameter dates to control the search (i.e., 05/01/2006 to 06/30/2006).

Limit the number of records returned - Limit the number of records to view. The number choices are on the drop-down menu.

E. DEFINING BCI STATUS

Clicking on EMPLOYEE or NEWLY CERTIFICATED (on the previous screen) will show similar screens. The screen below is the employee screen.

DIST 001 Employees

[Return to Search Criteria](#)

The current date is 6/3/2011

Defining BCI STATUS

Pending - Non-Certificated individual who did not pass the Background Investigation

Pending - Certificated individual who did not pass the Background Investigation

In Process - Background Investigation Check is not complete

Dates - Indicates the date the individual cleared the Background Investigation Check.

Not Cleared - For private, parochial schools and bus contractors

NOTE: One of the above terms will appear in the BCI Status column.

#	Code	Last Name	First Name	Open Date	C/N Cert	BCI Status	BCI Reason	SDE Reason	Dist	Other
1	SMI3000	SMITH	A	08-29-2005	N	10-01-2005			001	N
2	SMI3000	SMITH	B	01-23-2009	N	01-30-2009			001	N
3	SMI3000	SMITH	L	01-31-1997	C	04-20-1997	Cards returned @ poor print		001	N

NOTE: For both the Employee and Newly Certified lists, additional information is provided that is pertinent to each list. The explanation on the next page describes the terms on the screen.

The following list of definitions explains the columns on the previous page.

Code - The first three letters of the last name and the last four numbers of the employee's social security number

Last Name, First Name - The first and last names of the employee.

Open Date - The date a fingerprint card is received by the SDE and entered into the database as an electronic file.

C/N Cert - C is certificated; N is non-certificated.

BCI Status - Refers to the definitions above the screen.

BCI Reason - Reason for cards returned to the LEA or other organization or other pertinent information.

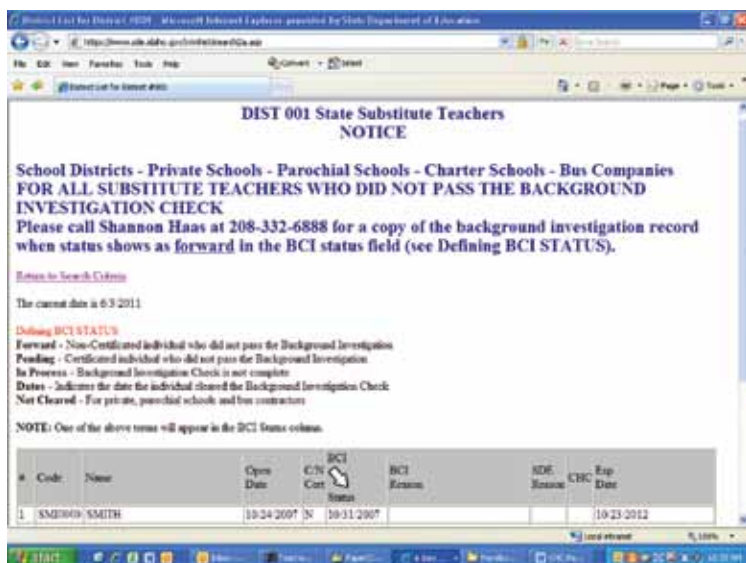
SDE Reason - Reason for cards returned to the LEA or other organization or other pertinent information.

Dist - LEA or Other Organization Number

Other than sub teacher - A substitute other than a substitute teacher (i.e., custodian, bus driver, administrative assistant)

Contractor - This column identifies the contracting other organization for the LEA for BIC purposes.

Clicking on STATE SUBSTITUTE TEACHERS will show the screen below.



NOTE: The explanations below describe the terms on the screen on the previous page.

Code - The first three letters of the last name and the last four numbers of the employee's social security number.

Name - The first and last names of the employee.

Open Date - The date a fingerprint card is received by the SDE and entered into the database as an electronic file.

C/N Cert - C is certificated; N is non-certificated.

BCI Status - Refers to the definitions above the screen.

BCI Reason - Reason for cards returned to the LEA or other organization or other pertinent information.

SDE Reason - Reason for cards returned to the LEA or other organization or other pertinent information.

CHC – An X in this field indicates that BIC results were forwarded to LEA.

Expiration Date - The date the BIC expires and a new BIC is required.

F. REASONS AND STATUS COLUMNS

For **all** LEAs and other organizations, the terms found on the preceding page define the columns.

1. There are times when the BCI or SDE find it necessary to return fingerprint cards to the LEA or other organization.
2. Below are explanations of what might be included in either the BCI or SDE **REASON** columns.
 - a. Cards rejected for poor print quality
 - b. Cleared by FBI name check
 - c. Call SDE (208) 332-6888

NOTE: A date in the BCI Status field indicates a cleared BIC. The BCI REASON may still show a rejected fingerprint card, but that is just for historical purposes.

STOP!!

When a phone number appears in the SDE “REASON” field, it is **important** to call the SDE immediately at (208) 332-6888 for critical information.

V. FINGERPRINT CARD

I.C § 33-130 states, “The department of education, through the cooperation of the Idaho state police, shall establish a system to obtain a criminal history check on individuals to include, but is not limited to, certificated and noncertificated employees, all applicants for certificates... substitute staff, individuals involved in other types of student training such as practicums and internships, and on all individuals who have unsupervised contact with students in a K-12 setting.”

A. COMPLYING WITH IDAHO STATUTE

1. An applicant for Idaho certification or employment in an LEA or other organization is required by Idaho statute to complete a BIC using an FBI ten-finger/fingerprint card that has been printed specifically for SDE use.
2. A completed fingerprint card submitted after 180 days from the date the fingerprints were rolled will not be accepted.
3. An employee may begin employment before the BIC process is completed provided a completed fingerprint card has been submitted to the SDE and is in process.

B. INFORMATION

1. To help ensure the safety of Idaho children, it is the sole responsibility of the LEA or other organization to submit a completed fingerprint card or electronic submission to the SDE no later than five (5) days following the first day of employment or unsupervised contact with students in a K-12 setting, whichever is sooner.
2. A BIC result from another state, another agency, or any other entity cannot be accepted.
3. A teaching credential will be issued only after an FBI clearance is received in the SDE.
4. If the employee was not required to undergo a BIC because the employee was “grandfathered” in an LEA, a BIC is required upon moving to a new LEA.

C. LEA AND OTHER ORGANIZATION RESPONSIBILITIES

1. LEAs and other organizations must obtain from the SDE:
 - a. Fingerprint cards that are stamped with FBI origination codes designed exclusively for SDE use.
 - b. To ensure accurate BCI/FBI processing, fingerprints can be accepted only on an SDE/FBI-approved card.
2. When fingerprint packets (a group of fingerprint cards, Fingerprint Verification Forms (Appendix F4) and fees) submitted contain incomplete information or incorrect fees, the fingerprint card and all forms will be destroyed and a new fingerprint packet will need to be submitted. The fees will be held in an escrow account until the new packet is received.
3. Each applicant must complete a fingerprint card and submit it to the employing LEA or other organization. The employing LEA or other organization must in turn submit the fingerprint card and appropriate fee to the SDE.
4. The fee to process a BIC is \$40, payable to the State Department of Education.

VI. REJECTED FINGERPRINT CARD

A. INFORMATION

If an applicant's fingerprint card is rejected by the SDE for lack of signature or other incomplete information, the incomplete card will be destroyed, the fee deposited into an escrow account.

If an applicant's fingerprint card is rejected by BCI or FBI for poor quality prints or for any other reason, the fingerprint card is returned to the LEA or other organization for either correction or submission of a new fingerprint card.

B. LEA AND OTHER ORGANIZATION RESPONSIBILITIES

1. If the original fingerprint card is rejected, a new completed card from the SDE is required. Both the original rejected card and the newly completed card and Verification Form (Appendix F4) must be submitted to the SDE within 20 days. If the new fingerprint card is submitted after the 20 day time-period, a new \$40 fee is also required.
2. If the original fingerprint card was completed at an LEA or other organization and rejected for poor fingerprint quality, the replacement card must be completed at a law enforcement site (rather than the LEA or other organization), where staff is trained to handle difficult fingerprinting challenges.
3. SDE will require districts or individuals to pay for and reprint an applicant after the fingerprints have rejected twice. Upon a third and fourth attempt, if the fingerprints are still rejected after every effort has been made to capture legible prints, a name-based check shall be acceptable.

IMPORTANT – As of January 1, 2012, the BRO will no longer be notifying school districts of incomplete fingerprint cards. Incomplete or illegible cards will be shredded without further notice. As has always been our procedure, you must refer to the BIC website to confirm that your employees have cleared for service among children.

VII. PROCESSING BIC “HITS”

A. INFORMATION

1. Results of a BIC showing evidence of an arrest and/or conviction is called a “hit.”
2. The BIC “hit” is processed differently depending upon whether the applicant/employee is certificated or non-certificated.
3. A certificated employee’s BIC results are processed through the SDE with certain “hits” referred to the PSC for review.
4. A non-certificated employee’s BIC results are processed through the SDE with all “hits” referred to the LEA for review and hiring consideration.

IMPORTANT – BIC results are for LEA use only and cannot be disseminated to ANY individual or agency. All requests for BIC should be referred to the SDE.

VIII. POLICIES AND PROCEDURES REGARDING BICS

If the hiring LEA or other organization finds a specific situation not addressed in the following sections, please contact Shannon Haas, Program Specialist (see page 4).

Below is a list of categories for which BICs are required.

- A. Certificated Employees
- B. Non-Certificated Employees
- C. Charter School Employees
- D. Substitute Teachers
- E. Substitutes Other Than Teachers (SOTT)
- F. Student Teachers in Idaho Programs
- G. Student Teachers in Non-Idaho Programs
- H. Student Employees
- I. Alternate Route to Certification Employees
- J. Summer School Teachers
- K. Private or Parochial School Employees
- L. Employees in a Divided LEA
- M. Contracted Bus Service to LEAs
- N. All Other Contracting Services and Volunteers

A. CERTIFICATED EMPLOYEES

A certificated employee is an individual who holds an Idaho education credential and is employed in a certificated position.

1. Complying with Idaho Statute

- a. Each certificated employee must complete a BIC and submit the fingerprint card to the employing LEA.
- b. The LEA must then submit the card, the Fingerprint Verification Form (Appendix F4) and fee to the SDE. Either the LEA or the individual can pay the \$40 fee.
- c. An applicant applying for certification only (not for employment with an LEA) must complete a BIC and submit the fingerprint forms with their application for certification directly to the SDE.

2. Information

- a. The SDE will notify a certificated employee in writing of either a BIC clearance or “hit,” when a signed BIC Release Form (Appendix F3) is submitted within three months of the BIC status date.
- b. For employment purposes, when an applicant’s name appears on the “Newly Certified List”, the SDE will accept the BIC results for up to three months beyond the BIC status date (the date the results are received from the BCI and entered into the database as an electronic file).
- c. If a certificated employee’s BIC includes a “hit” that may be grounds for revocation, suspension, or denial of a certificate (including violations of specific Idaho or federal laws), the issue will be referred to the PSC for review. For further details contact Shannon Haas at (208) 332-6888.
- d. BIC results received by the SDE are posted daily on the BIC website and may be accessed by the appropriate LEA.
- e. The SDE will accept BIC results for up to three months beyond the BIC status date for a non-certificated employee applying for Idaho certification.

3. LEA Responsibilities

- a. The LEA is responsible for reviewing the BIC website frequently to keep current with SDE results. If the terms “In Process” or “Pending” appear in the BCI or FBI status column for 60 days beyond the BIC status date, the LEA must notify the SDE to check the status. This notification helps ensure that the BIC is completed in a timely manner.
- b. When hiring a newly certificated employee, the LEA must review the “Newly Certified List” on the BIC website to determine if a BIC has been completed. Newly certificated employees remain on this list for three months from their BIC status date.
 - (1) If the newly certificated employee’s name appears on the “Newly Certified List,” the LEA must call or e-mail the SDE. The SDE will then move the name from the “Newly Certified List,” to the LEAs “Employee List.” In this case, a new BIC is not required. A new BIC will be required if the employee’s name is not moved to the LEAs “Employee List,” prior to the employee being removed from the “Newly Certified List.”
 - (2) If the newly certificated employee has previously been employed in another LEA, or his/her BIC was completed more than three months ago, the LEA must submit a new BIC. In this case, the employee’s name will not appear on the “Newly Certified List.”

- c. If the certificated employee changes employment from one LEA to another, the hiring LEA must submit a fingerprint card, the Fingerprint Verification Form (Appendix F4) and \$40 fee.
- d. If the certificated employee is hired for the first time in more than one LEA concurrently, a Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) must be signed by all hiring LEA superintendents/designees and submitted within three months of the BIC status date.
 - (1) The LEA first hiring the employee is responsible for submitting a completed Multiple District Assignment/Substitute Teacher Form for School Personnel Appendix F2) within three months of the BIC status date,(as well as the completed fingerprint card, the Fingerprint Verification Form (Appendix F4) and \$40 fee.
 - (2) For BIC purposes, when a certificated employee is employed in one LEA and becomes employed in another LEA (i.e., music teacher teaching in more than one district), it is necessary that a Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) form be completed and signed by all LEA superintendents/designees. The employee's name will be listed on each LEA website, thus eliminating the need to undergo a BIC in more than one LEA.
 - (a) If the BIC is less than three months beyond the BIC status date, a properly signed Multiple District Assignment/ Substitute Teacher Form for School Personnel will suffice.
 - (b) If the BIC is more than three months beyond the BIC status date, a new BIC is required and must be submitted with a completed and signed Multiple District Assignment/ Substitute Teacher Form for School Personnel, a fingerprint card, the Fingerprint Form (Appendix F4) and a \$40 fee.
 - (c) It is the responsibility of the new LEA to submit required documents.
- e. If there is a "break in service," however short, a certificated employee must complete a new BIC. Substitute teachers are exempt, since the BIC for a substitute teacher is valid for a five-year period in all Idaho LEAs.

B. NON-CERTIFICATED EMPLOYEES

A non-certificated employee is anyone who is employed in a non-certificated position (e.g., administrative assistant, cook, custodian, walk-on coaches).

1. Complying with Idaho Statute

- a. Each non-certificated employee must complete a BIC and submit the fingerprint card to the employing LEA.
- b. The LEA must submit the card and fee to the SDE. Either the LEA or the individual can pay the \$40 fee.

2. Information

- a. The SDE will notify a non-certificated employee in writing of either a BIC clearance or “hit,” when a signed BIC Release Form (Appendix F3) is submitted within three months of the BIC status date.
- b. If “Forward” appears in the BCI status column on the BIC website, this term indicates a “hit,” and the results have been forwarded to the LEA for review for employment purposes.
- c. BIC results received by the SDE are posted daily on the BIC website and may be accessed by any LEA.
- d. If a non-certificated employee who has a completed BIC on file applies for certification within three months of the BIC status date, a new BIC will not be required.

3. LEA Responsibilities

- a. The LEA is responsible for reviewing the BIC website frequently to keep current with SDE results. If the terms “In Process” appear in the BCI or FBI status column for 60 days beyond the BIC status date, the LEA must notify the SDE to check the status. This notification helps ensure that the BIC is completed in a timely manner.
- b. If the non-certificated employee changes employment from one LEA to another, the hiring LEA must submit a new fingerprint card, the Fingerprint Verification Form (Appendix F4) and \$40 fee.
- c. If the non-certificated employee is hired for the first time in more than one LEA concurrently, a Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) must be signed by all hiring LEA superintendents/designee.

- (1) The LEA first hiring the employee is responsible for submitting a completed Multiple District Assignment/Substitute Teacher Form for School Personnel Appendix F2) within three months of the BIC status date,(as well as the completed fingerprint card, the Fingerprint Verification Form (Appendix F4) and \$40 fee.
- (2) For BIC purposes, when a non-certificated employee is employed in one LEA and becomes employed in another LEA (i.e., music teacher teaching in more than one district), it is necessary that a Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) form be completed and signed by all LEA superintendents/designees. The employee's name will be listed on each LEA website, thus eliminating the need to undergo a BIC in more than one LEA.
 - (a) If the BIC is less than three months beyond the BIC status date, a properly signed Multiple District Assignment/ Substitute Teacher Form for School Personnel will suffice.
 - (b) If the BIC is more than three months beyond the BIC status date, a new BIC is required and must be submitted with a completed and signed Multiple District Assignment/ Substitute Teacher Form for School Personnel, a fingerprint card, the Fingerprint Verification Form (Appendix F4) and \$40 fee.
 - (c) It is the responsibility of the new LEA to submit required documents.
- d. If there is a "break in service," however short, a non-certificated employee must complete a new BIC. Substitute teachers are exempt, since a BIC for a substitute teacher is valid for a five-year period in all Idaho LEAs.
- e. When BIC results indicate a "hit," the LEA will receive a copy of the BCI report detailing the "hit." For employment purposes, it is the LEA's responsibility to review and resolve the "hit" with the non-certificated employee.

C. CHARTER SCHOOL EMPLOYEES

Charter schools under Idaho Code §33-5210 are required to conduct BICs in Idaho (see page 39).

1. Complying with Idaho Statute

- a. Each certificated and non-certificated employee must complete a BIC and submit the fingerprint card to the employing LEA.
- b. The LEA must then submit the card, the Fingerprint Verification Form (Appendix F4) and fee to the SDE. Either the LEA or the individual can pay the \$40 fee.
- c. An applicant applying for certification only (not for employment with an LEA) must complete a BIC and submit the fingerprint card directly to the SDE.
 - (1) If the newly certificated employee's name appears on the "Newly Certified List," the LEA must call or e-mail the SDE. The SDE will then move the name from the "Newly Certified List," to the LEAs "Employee List." In this case, a new BIC is not required. A new BIC will be required if the employee's name is not moved to the LEAs "Employee List," prior to the employee being removed from the "Newly Certified List."

2. Information

- a. When is a BIC required of charter school employees?
 - (1) No - If moving from a public school to a charter school within the LEA.
 - (2) Yes - If moving from a charter school back to a public school.
 - (3) Yes - If moving from one charter school to another charter school.
- b. When moving from a public school to a charter school within the LEA, the LEA is required to notify the SDE of the change. The SDE will then forward to the charter school all "hits" for its non-certificated employees. All "hits" for certificated employees are reviewed by the SDE.
- c. BIC results received by the SDE are posted daily on the BIC website and may be accessed by the appropriate LEA.

3. LEA Responsibilities

NOTE: Charter schools must adhere to the same LEA responsibilities for their employees as outlined for public schools. Please refer to the LEA responsibilities for certificated and non-certificated employees of public schools as found on pages 19-23.

- a. There are three types of charter schools and BIC requirements for each.

A charter school may be established within an LEA by action of the board of trustees and remains a part of the LEA.

- (1) When an employee transfers from a public school to a charter school within the LEA, a new BIC is not required.
- (2) The charter school must contact the SDE to transfer the public school employee BIC results to the charter school.

- b. A charter school may be established within an LEA by action of the board of trustees and become its own LEA. When a charter school becomes its own LEA, all employees in the charter school must undergo a new BIC.

- c. A charter school may also be established by action of the SBOE and becomes its own LEA. When a charter school becomes its own LEA, all employees in the charter school must undergo a new BIC.

D. SUBSTITUTE TEACHERS

A substitute teacher is an individual who temporarily replaces a certificated classroom educator and is paid a substitute teacher wage one day or more during a school year.

1. Complying with Idaho Statute

- a. Each substitute teacher must complete a BIC and submit the fingerprint card to the employing LEA.
- b. The LEA must then submit the card, the Fingerprint Verification Form (Appendix F4) and fee to the SDE. Either the LEA or the individual can pay the \$40 fee.
- c. A completed BIC for a substitute teacher is valid for five (5) years in any Idaho LEA. If the LEA next employing the substitute chooses to require another BIC within this five-year period, that LEA shall pay the cost of the BIC or reimburse the substitute teacher for such cost.

2. Information

- a. The LEA that first hires and arranges a BIC for the substitute teacher is designated as the “home” LEA.

The SDE will send BIC results only to the home LEA that submitted the fingerprint card. Any other LEA hiring that substitute teacher can call the SDE to request a copy of the BIC.

- b. The names of all substitute teachers are found on the BIC website under “State Substitute Teacher” list available to all LEAs. These names are found also on the BIC website under the home LEA’s “employee” list.
- c. If a substitute teacher applies for a teaching certificate within three months of the BIC status date, a BIC is not required.
- d. If a substitute teacher is hired in a non-substitute teaching capacity, full or part-time, by the home LEA within three months of the BIC status date, a new BIC is not required.
- e. If the substitute teacher is hired in a non-substitute teaching capacity by any other LEA and their desire is to continue substitute teaching, a new BIC, the Fingerprint Verification Form (Appendix F4) and \$40 fee are required, as well as a Multiple District Assignment/Substitute Teacher Form for School Personnel, which is required to remain on the statewide sub list.
- f. The expiration date of the BIC for each substitute teacher is found on the “State Substitute Teacher” list. The expiration date will become highlighted 180 days before the end of the five-year time period.
- g. At the end of the five-year time period, the substitute teacher’s name will be deleted from the BIC website list unless a new BIC is completed.
- h. If a certificated substitute teacher’s BIC includes a “hit” that may be grounds for revocation, suspension, or denial of a certificate (including violations of specific Idaho or federal laws), the issue will be referred to the PSC for appropriate disposition.
- i. If “Forward” appears in the BCI status column, this term indicates a “hit,” and the results have been forwarded to the home LEA. Any other employing LEA can contact the SDE to receive a copy of the forwarded results.
- j. BIC results received by the SDE are posted daily on the BIC website and may be accessed by any LEA.

3. LEA and Other Organization Responsibilities

- (1) It is CRITICAL for all LEAs to check the BIC website for BIC results regarding substitute teachers.
- (2) A Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) must be signed by the home LEA superintendent/designee and submitted with the fingerprint card, a \$40 fee, and a Fingerprint Verification Form (Appendix F4).
- (3) A change of status after three months beyond the BIC status date does require a new BIC.

E. SUBSTITUTES OTHER THAN TEACHERS (SOTT)

(e.g., bus drivers, cooks, custodians and administrative assistants)

1. Complying with Idaho Statute

- a. Each SOTT must complete a BIC and submit the fingerprint card to the employing LEA.
- b. The LEA must submit the card, the Fingerprint Verification Form (Appendix F4) and fee to the SDE. Either the LEA or the individual can pay the \$40 fee.

2. Information

- a. If “Forward” appears in the BCI or FBI status column, this term indicates a “hit,” and the results have been forwarded to the LEA.
- b. BIC results received by the SDE are posted daily on the BIC website and may be accessed by any LEA.

3. LEA and Other Organizations Responsibilities

NOTE: SOTTs do not have the five-year BIC renewal requirement that substitute teachers have. The original BIC is valid as long as the SOTT is employed in the same LEA or bus company.

- a. The employing LEA or other organization must ensure that each SOTT completes a BIC.
- b. The LEA or other organization must then submit the card, Fingerprint Verification Form (Appendix F4) and fee to the SDE. Either the LEA or the individual can pay the \$40 fee.

- c. The LEA or other organization must submit a Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) signed by the superintendent/designee of each LEA or other organization where the SOTT is employed.
- (1) If it is within three months from the BIC status date of the original BIC an additional LEA and/or other organization may be added to the list by submitting a new signed completed Multiple District Assignment/Substitute Teacher Form for School Personnel signed by all LEAs or other organizations.
 - (2) If the BIC is beyond the three-month BIC status date, a new BIC is required when adding a new LEA and/or other organization. A new Multiple District Assignment/Substitute Teacher Form for School Personnel, signed by all employing LEAs and/or other organizations must be submitted with the fingerprint card.
- d. If employed, other than substituting, in one LEA and later employed in another LEA concurrently, a Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) signed by all LEA superintendents/designees must be submitted within three months from the “BIC status date” of the original BIC or a new BIC is required.

F. STUDENT TEACHERS IN IDAHO PROGRAMS

Individuals involved in student training, internships, and practicums and who have unsupervised contact with students are required to complete BICs in Idaho under Idaho Code §33-130. (see page 47)

1. Complying with Idaho Statute

- a. Each student teacher must complete a fingerprint card and submit the fingerprint card and Fingerprint Verification Form (Appendix F4) to the Idaho University/College they are attending.
- b. The University/College must then submit the fingerprint card, the Fingerprint Verification Form (Appendix F4) and fee to the SDE. The individual must pay the \$40 fee.

2. Information

- a. A BIC is required of student teachers before a student teacher is able to student teach in a school district.
- b. The names of all student teachers are found on the BIC website under “Student Teacher/Interns” list available to all LEAs and universities/colleges. The student teacher’s name will remain on the student teacher list for a total of three (3) years.

- c. If a student teacher's BIC includes a "hit" that may be grounds for denial of student teaching (including violations of specific Idaho or federal laws), the issue will be referred to the Chief Certification Officer for review.
- d. BIC results received by the SDE are posted daily on the BIC website and may be accessed by the appropriate LEA and universities/colleges.

3. University/College Responsibilities

- a. The University/College is responsible for reviewing the BIC website frequently to keep current with SDE results. If the terms "In Process" or "Pending" appear in the BCI status column for 60 days beyond the BIC status date, the University/College must notify the SDE to check the status. This notification helps ensure that the BIC is completed in a timely manner.
- b. The University/College is responsible for notifying the SDE if a student has discontinued pursuing their education program.
- c. If the student has not completed their education program within three (3) years from the BIC status date of their BIC, they will need to submit a new fingerprint card, Fingerprint Verification Form (Appendix F4) and fee to the SDE for certification or employment purposes.

4. LEA Responsibilities

- a. The LEA is responsible for checking the BIC website list of "Student Teachers/Interns" available to all LEAs.
- b. Student Teachers can be employed in the following assignments for three (3) years from the BIC status date of their BIC without having to complete a new BIC:
 - (1) Substitute Teaching;
 - (2) SOTT;
 - (3) SES Provider;
 - (4) Aide; and
 - (5) Other non-certificated duties, including coaching and volunteering.

A Multiple District Assignment/Substitute Teacher Form (Appendix F2) is not required for any assignment within the three year period.

G. STUDENT TEACHERS IN NON-IDAHO PROGRAMS

Idaho code does not address student teachers in non-Idaho programs. These individuals will be viewed as non-certificated employees of the LEA.

- a. The LEA must submit the fingerprint card, Fingerprint Verification Form (Appendix F4) and fee to the SDE. Either the LEA or the individual can pay the \$40 fee.
- b. BIC results received by the SDE are posted daily on the BIC website and may be accessed by the appropriate LEA.
- c. When BIC results indicate a “hit,” the LEA will receive a copy of the BCI or FBI report detailing the “hit.” For student teaching purposes, it is the LEA’s responsibility to review and resolve the “hit” with the non-certificated employee.
- d. A Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) is required if the LEA employs the student teacher in multiple assignments within the LEA.
- e. For substitute teachers, a Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) must be signed by the home LEA superintendent/designee and submitted within three months of the BIC status date.

H. STUDENT EMPLOYEES

1. Information

- a. An LEA may employ a student to assist with such activities as bus supervision, student-with-special-needs assistant, cafeteria help or custodial duties.
- b. The student employee is not required to complete a BIC through the SDE.

2. LEA Responsibilities

- a. Each LEA must ensure that the employed student follow the district process for registering volunteers/contractors as required in I.C. 33-512 (1 6) (see page 38).
- b. I.C. 18-8408 requires that the State Superintendent of Public Instruction submits to each LEA a list of juvenile sex offenders on a quarterly basis. LEAs may want to consider checking the list received from the SDE or referring to the Idaho Statewide Juvenile Sex Offender Registry website: http://www.isp.state.id.us/sa_viewel/search.jsp.

I. ALTERNATE ROUTE TO CERTIFICATION EMPLOYEES

Alternate routes to Idaho certification as approved by the State Board of Education include: Provisional Authorization, Teacher to New Certification, Content Specialist, and Computer Based Alternate Route to Teacher Certification (i.e., ABCTE).

1. Information

- a. Generally, if applying for initial employment in any LEA, the applicant must complete a BIC.

2. LEA Responsibilities

- a. Provisional Authorization (Provisional certification is considered “Certificated”)

- (1) No - A BIC is not required if the applicant is already a certified teacher in the same LEA.
- (2) Yes - A BIC is required if the applicant is non-certified and employed in the same LEA due to a change in status.
- (3) Yes - A BIC is required if the applicant is changing status in the same LEA, and the BIC is more than three (3) months old.

- b. Teacher to New Certification/Endorsement

- (1) No - A BIC is not required if the applicant is already certified and teaching in the same LEA.
- (2) Yes - A BIC is required if the applicant is already certified and applying in a new LEA.

- c. Content Specialist

- (1) Yes - A BIC is required if the applicant is hired as a Content Specialist and working toward standard certification.
- (2) No - A BIC is not required if the applicant is changing status in the same LEA, and the BIC is less than three (3) months old.
- (3) Yes - A BIC is required if the applicant is changing status in the same LEA, and the BIC is more than three (3) months old.

- d. Computer-Based Alternate Route to Teacher Certification (ABCTE)

- (1) Yes - ABCTE requires a BIC. Idaho, however, cannot use ABCTE BIC results. A new BIC, therefore, is required by SBOE rule for any applicant for initial Idaho certification with an ABCTE certificate.

- (2) No - An individual holding an Idaho certificate desiring to add either an endorsement or a new certificate does not have to undergo a new BIC and staying in the same LEA.

e. Post-Secondary:

Yes - When a college professor is hired to teach in a public school and applying for any certificate the individual must undergo a new BIC.

J. SUMMER SCHOOL EMPLOYEES

1. Information

- a. Upon receipt of a completed and signed Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) submitted by the summer school LEA, the SDE will check the SDE database to determine if the summer school employee has a cleared BIC.
- b. If the database shows that the summer school employee has not completed a BIC, the SDE will notify the summer school LEA.
- c. If the summer school employee has cleared the BIC, the SDE will not notify the employing summer school LEA.

2. LEA Responsibilities

- a. If the summer school employee is not a regular employee of the LEA that is providing the summer school program, a Multiple District Assignment/Substitute Teacher Form for School Personnel signed by the superintendent/designee of the summer school LEA and the superintendent/designee of the home LEA must be submitted to the SDE.
- b. The LEA is required to submit a new, completed Multiple District Assignment/Substitute Teacher Form (Appendix F2) for School Personnel each year for summer school employees hired from another LEA.
- c. The LEA must ensure that the summer school employee who has never undergone a BIC be required to do so. A signed and completed Multiple District Assignment/Substitute Teacher Form (Appendix F2) for School Personnel and the completed fingerprint card, Fingerprint Verification Form (Appendix F4) and fee must be submitted to the SDE.

K. PRIVATE/PAROCHIAL SCHOOL EMPLOYEES

1. Complying with Idaho Statute

- a. Idaho Code §33-130A provides private/parochial LEAs the option of requesting a BIC.
- b. If the option to have a BIC is exercised, ALL certificated and non-certificated of that private/parochial LEA must complete a BIC.
- c. Private/Parochial LEAs choosing to have their employees undergo a BIC must have their employees complete a SDE/VCA fingerprint card and submit the fingerprint card to the employing LEA.
- d. The LEA must submit the fingerprint card, the Fingerprint Verification Form (Appendix F4) and fee to the SDE. Either the LEA or the individual can pay the \$40 fee.

2. Information

- a. The procedure for processing a BIC for private/parochial LEA certificated and non-certificated employees is the same as that for public LEAs, EXCEPT for processing the BIC results.
 - (1) Due to FBI regulations, the SDE cannot share BIC results with private/parochial LEAs.
 - (2) BIC results, however, may be released to an employee upon receipt of a notarized BIC Release Form (see Appendix F3) verifying the employee's identity.
 - (3) The employee may choose to share the results with the employer.
 - (4) The fingerprint card received from the SDE needs to be a special VCA card only for private/parochial schools and volunteers.
- b. BIC results received by the SDE are posted daily on the BIC website and may be accessed by any LEA.
- c. If the employee applies for certification within three (3) months of the BIC BIC status date, the SDE will use this BIC for certification, and a new BIC will not be required.

3. LEA Responsibilities

- a. The LEA is responsible for reviewing the SDE website **frequently** to keep current with SDE results. When reviewing the website:
 - (1) If "Not Cleared" appears in the BCI or FBI status column, a "hit" is indicated.

- (2) If “In Process” or “Pending” appears in the BCI or FBI status column for longer than 60 days from the BIC status date, the LEA **must notify** the SDE. This notification will prompt the SDE to contact either the BCI and/or the FBI to help ensure that the BIC is completed in a timely manner.
- b. The LEA is responsible for reviewing the SDE website frequently to keep current with SDE results of newly certificated educators. When reviewing the website:
- (1) Check the “Newly Certified List” when hiring a newly certificated educator.
 - (a) If the LEA employs the newly certificated educator, the district must call the SDE. The SDE will transfer the name from the “Newly Certified List” list to the LEA employee list.
 - (b) If the certificated educator does not appear on the “Newly Certified List” because the BIC occurs more than three (3) months beyond the BIC status date, or the educator was employed in another district, a new BIC is required.
- c. If the certificated private/parochial employee changes employment from one LEA to another, a new BIC is required.
- d. If the certificated employee is hired **for the first time** in more than one LEA concurrently, a Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) must be signed by all hiring LEA superintendents/designees within three months of the opened date.
- (1) The LEA first hiring the employee is responsible for submitting a completed Multiple District Assignment/Substitute Teacher Form for School Personnel along with the completed SDE/VCA fingerprint card, Verification Form (Appendix F3) and \$40 fee. The employee’s name will be listed on each LEA website, thus eliminating the need to undergo a BIC in more than one LEA.
 - (2) For BIC purposes, when a certificated employee is employed in one LEA and becomes employed in another LEA (i.e., music teacher teaching in more than one district), it is necessary that a Multiple District Assignment/Substitute Teacher Form for School Personnel be completed and signed by all LEA superintendents/designees.
 - (a) If the BIC is less than three (3) months beyond the BIC status date, a properly signed Multiple District Assignment/Substitute Teacher Form for School Personnel will suffice.

(b) If the BIC is more than three (3) months beyond the BIC status date, a new BIC is required and must be submitted with a completed and signed Multiple District Assignment/ Substitute Teacher Form for School Personnel, a completed SDE/VCA fingerprint card, Verification Form (Appendix F3) and a \$40 fee.

(c) It is the responsibility of the new LEA to submit required documents.

e. If there is a “break in service,” however short, the LEA must ensure that its employees complete a new BIC. Substitute teachers are exempt, since a BIC for a substitute teacher is valid for a five-year period in all Idaho LEAs.

L. EMPLOYEES IN A DIVIDED LEA

1. Information

a. There are times when a local board of trustees decides to divide an LEA into two separate LEAs. This action affects the certificated and non-certificated employees regarding required BICs.

b. Certificated or non-certificated employees may move between the newly formed LEAs anytime within three (3) months of the division without undergoing a new BIC.

2. LEA Responsibilities

a. When a district is divided into two separate LEAs, the new LEA must provide a list to the SDE of employees transferring from the existing LEA to the new LEA.

(1) A new BIC is not required for transferring employees.

(2) A new BIC is required, however, if the employee returns to the original LEA.

M. CONTRACTED BUS SERVICE TO LEAS

1. Information

a. The procedure for processing a BIC for other organization employees is the same as that for public LEAs, EXCEPT for processing the BIC results.

(1) Due to FBI regulations, the SDE cannot share BIC results with other organizations.

(2) BIC results, however, may be released **by SDE BRO only** to an employee upon receipt of a notarized BIC Release Form (see Appendix F3) verifying the employee's identity.

(3) The employee may choose to share the results with the employer.

- b. BIC results received by the SDE are posted daily on the BIC website and may be accessed by any LEA.
- c. The issue of the BIC is addressed in the contract between the bus contractor and the LEA to ensure that each bus driver completes a BIC.
- d. In the event that a other organization employee applies for certification within three (3) months of the BIC BIC status date, the SDE will use this BIC for certification, and a new BIC will not be required.

2. LEA Responsibilities

- a. When using contracted services, the LEA has the ultimate responsibility and liability for BICs.

3. Other Organization Responsibilities

- a. The other organization is responsible for reviewing the SDE website frequently to keep current with SDE results. When reviewing the website:
 - (1) If "Not Cleared" appears in the BCI or FBI status column, a "hit" is indicated.
 - (2) It is the responsibility of the other organization to conduct a follow-up with the employee to resolve the "hit" for employment purposes.
 - (3) If "In Process" or "Pending" appears in the BCI or FBI status column for longer than 60 days beyond the open date, the other organization must notify the SDE. This notification will prompt the SDE to contact either the BCI and/or the FBI to help ensure that the BIC is completed in a timely manner.
- b. A new BIC is required if the employee changes employment to another LEA or other organization.
- c. If the employee is hired for the first time in more than one LEA/other organization concurrently, a Multiple District Assignment/Substitute Teacher Form for School Personnel (Appendix F2) must be signed by all hiring LEA superintendents/designees.

- (1) The LEA first hiring the employee is responsible for submitting a completed Multiple District Assignment/Substitute Teacher Form for School Personnel (Appendix F2) along with the fingerprint card and \$40 fee. The employee's name will be listed on each LEA website, thus eliminating the need to undergo a BIC in more than one LEA.
 - (2) For BIC purposes, when an employee is employed in one LEA/other organization and desires to be employed in another LEA/other organization, it is necessary that a Multiple District Assignment/Substitute Teacher Form for School Personnel (Appendix F2) be completed and signed by all LEA superintendents/designees.
 - (a) If the BIC is less than three (3) months beyond the BIC status date, a properly signed Multiple District Assignment/Substitute Teacher Form for School Personnel (see Appendix F2) will suffice.
 - (b) If the BIC is more than three (3) months beyond the BIC status date, a new BIC is required and must be submitted with a completed and signed Multiple District Assignment/Substitute Teacher Form for School Personnel (Appendix F2), a fingerprint card, Verification Form (Appendix F3) and a \$40 fee.
 - (c) It is the responsibility of the new LEA to submit required documents.
- d. If there is a "break in service," however short, the LEA must ensure that its employees complete a new BIC. Substitute teachers are exempt, since a BIC for a substitute teacher is valid for a five-year period in all of Idaho.

N. ALL OTHER CONTRACTING SERVICES AND VOLUNTEERS

1. When working with all other contracting services (e.g., custodial, temp services, psychologist, speech language pathologists, etc.) and volunteers, a BIC is required and must be submitted for all individuals who have unsupervised contact with students in a K-12 setting. It is strongly recommended that the LEA require a BIC in all instances. The LEA must follow the same procedures for these contractors and volunteers as if they were employees of the LEA.

LEAs are required to develop a system that cross-checks all contractors, volunteers, or other persons who have irregular contact with students against the statewide sex offender register.

IX. RELATED IDAHO STATUTES

Following are references to Idaho statute pertaining to BICs, including fingerprinting.

These references are available at: <http://www.legislature.idaho.gov/idstat/Title33/T33.htm>

A. I.C. § 33-130. CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES OR APPLICANTS FOR CERTIFICATES OR INDIVIDUALS HAVING CONTACT WITH STUDENTS – STATEWIDE LIST OF SUBSTITUTE TEACHERS.

The department of education, through the cooperation of the Idaho state police, shall establish a system to obtain a criminal history check on individuals to include, but is not limited to, certificated and noncertificated employees, all applicants for certificates pursuant to chapter 12, title 33, Idaho Code, substitute staff, individuals involved in other types of student training such as practicums and internships, and on all individuals who have unsupervised contact with students in a K-12 setting. The criminal history check shall be based on a completed ten (10) finger fingerprint card or scan and shall include, at a minimum, the following state and national databases: (1) Idaho bureau of criminal identification; (2) Federal bureau of investigation (FBI) criminal history check; and (3) Statewide sex offender register. The state department of education shall charge all such individuals a fee of forty dollars (\$40.00) for undergoing a criminal history check pursuant to this section. The fee shall be sufficient to cover costs charged by the federal bureau of investigation, the state police and the state department of education. A record of all background checks shall be maintained at the state department of education in a data bank for all employees of a school district with a copy going to the applicant upon request.

The state department of education shall maintain a statewide list of substitute teachers. The term “substitute teacher” shall have the meaning as provided in section 33-512(15), Idaho Code.

The Idaho state police and the department of education shall implement a joint exercise of powers agreement pursuant to sections 67-2328 through 67-2333, Idaho Code, necessary to implement the provisions of this section.

B. I.C. § 33-130A. CRIMINAL HISTORY CHECKS FOR PRIVATE OR PAROCHIAL SCHOOL EMPLOYEES OR CONTRACTORS

If requested by the principal or governing board of a private or parochial school, the department of education, through the cooperation of the

department of law enforcement, shall establish a system to obtain a criminal history check on employees of the school or persons entering into contracts with the school. The criminal history check and fees shall be as provided in section 33-130, Idaho Code.

C. I.C. § 33-512(15)(16) GOVERNANCE OF SCHOOLS

(15) To require that all certificated and noncertificated employees hired on or after July 1, 2008, and other individuals who are required by the provisions of section 33-130, Idaho Code, to undergo a criminal history check shall submit a completed ten (10) finger fingerprint card or scan to the department of education no later than five (5) days following the first day of employment or unsupervised contact with students in a K-12 setting, whichever is sooner. Such employees and other individuals shall pay the cost of the criminal history check. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in section 33-1208, Idaho Code, it shall be grounds for immediate termination, dismissal or other personnel action of the district, except that it shall be the right of the school district to evaluate whether an individual convicted of one (1) of these crimes and having been incarcerated for that crime shall be hired. Provided however, that any individual convicted of any felony offense listed in section 33-1208 2., Idaho Code, shall not be hired. For the purposes of criminal history checks, a substitute teacher is any individual who temporarily replaces a certificated classroom educator and is paid a substitute teacher wage for one (1) day or more during a school year. A substitute teacher who has undergone a criminal history check at the request of one (1) district in which he has been employed as a substitute shall not be required to undergo an additional criminal history check at the request of any other district in which he is employed as a substitute if the teacher has obtained a criminal history check within the previous five (5) years. If the district next employing the substitute still elects to require another criminal history check within the five (5) year period, that district shall pay the cost of the criminal history check or reimburse the substitute teacher for such cost. To remain on the statewide substitute teacher list maintained by the state department of education, the substitute teacher shall undergo a criminal history check every five (5) years.

(16) To maintain a safe environment for students by developing a system that cross-checks all contractors or other persons who have irregular contact with students against the statewide sex offender register.

D. I.C. § 33-1202 ELIGIBILITY FOR CERTIFICATE

Each applicant for a certificate must:

1. Have attained the age of eighteen (18) years;
2. Have completed specific minimum requirements in college training as specified in rules of the state board of education;

3. Be free from contagious disease; but if at any time there is probable cause to believe that any such employee of the district is so afflicted, the board shall cause examination to be made by a licensed physician, and may exclude the employee from service without loss of pay pending determination whether so afflicted;
4. Have on file with the state department of education the results of a criminal history check pursuant to section 33-130, Idaho Code. If an applicant is found to have been convicted of any of the felony crimes enumerated in section 33-1208, Idaho Code, a certificate shall not be issued to the applicant. The state board of education may refuse to issue or authorize a certificate to any applicant for such reason as would have constituted grounds for revoking a certificate.

E. I.C. § 33-5210 APPLICATION OF SCHOOL LAW – ACCOUNTABILITY – EXEMPTION FROM STATE RULES

- (1) All public charter schools are under the general supervision of the state board of education.
- (2) Every authorized chartering entity that approves a charter shall be responsible for ensuring that each public charter school program approved by that authorized chartering entity meets the terms of the charter, complies with the general education laws of the state unless specifically directed otherwise in this chapter 52, title 33, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in section 33-1612, Idaho Code.
- (3) Each charter school shall comply with the financial reporting requirements of section 33-701, subsections 5. through 10., Idaho Code, in the same manner as those requirements are imposed upon school districts.
- (4) Each public charter school is otherwise exempt from rules governing school districts which have been promulgated by the state board of education, with the exception of state rules relating to:
 - (a) Waiver of teacher certification as necessitated by the provisions of section 33-5205(3)(g), Idaho Code;
 - (b) Accreditation of the school as necessitated by the provisions of section 33-5205(3)(e), Idaho Code;
 - (c) Qualifications of a student for attendance at an alternative school as necessitated by the provisions of section 33-5208(3), Idaho Code;
 - (d) The requirement that all employees of the school undergo a criminal history check as required by section 33-130, Idaho Code; and
 - (e) All rules which specifically pertain to public charter schools promulgated by the state board of education.

APPENDIX

BIC Forms

These forms are available at:

http://www.sde.idaho.gov/site/teacher_certification/criminal_history.htm

- F1. MEMORANDUM OF AGREEMENT FOR BACKGROUND INVESTIGATION CHECK WEBSITE USE
- F2. MULTIPLE DISTRICT ASSIGNMENT/SUBSTITUTE TEACHER FORM FOR SCHOOL PERSONNEL
- F3. BACKGROUND INVESTIGATION CHECK (BIC) RELEASE FORM (A REQUEST FOR RESULTS)
- F4. FINGERPRINT VERIFICATION FORM

F1. MEMORANDUM OF AGREEMENT



STATE DEPARTMENT OF EDUCATION

P.O. BOX 83728
BOISE, IDAHO 83728-0027

TOM LUNA
STATE SUPERINTENDENT
PUBLIC INSTRUCTION

MEMORANDUM OF AGREEMENT for Background Investigation Check (BIC) Website Use

Note: Public Schools (including Charter Schools), College and Universities, Private/Parochial Schools and Bus Companies are all considered **SCHOOL DISTRICTS** for the purpose of this Memorandum of Agreement.

The purpose of the website is to provide BIC information for the use of public school districts (including charter schools), colleges and universities, private/parochial schools and bus companies to review individuals solely for the purpose of determining whether the individual has been convicted of a background investigation offense that might be detrimental to the welfare of children or prohibit the user, under state law or district policy, from employment.

STATE DEPARTMENT OF EDUCATION RESPONSIBILITY:

When the original agreement is signed and returned to the State Department of Education Background Records Office, the State Department of Education will issue a district password for the BIC website that will become available to the superintendent or designee in the below named district.

DISTRICT RESPONSIBILITY:

School district or College/University Name _____ District Number _____
Hereinafter referred to as "district," by and through the undersigned, in consideration for the right to use the Background Investigation Check website, compiled and maintained by the Idaho State Department of Education, hereby agrees as follows:

1. To maintain the security and confidentiality for the website, the district is responsible for maintaining the security of the website **PASSWORD**.
2. That the district **shall** maintain security and confidentiality of **INFORMATION** obtained from this website and **shall not** use the information obtained from the website for any purpose other than screening employees, including substitute teachers.
3. According to Idaho code 33-512 (15), it is the district's responsibility to ensure that the employee "shall obtain the history check within three (3) months of employment..." To ensure compliance with Idaho code, it is the district's responsibility to notify the State Department of Education Background Records Office if the criminal history check results have not been posted on the website in a timely manner.

DATED this _____ day of _____, 20____.

Dean of College/University _____ Chairman/Designee _____

Revised 06/11

F2. MULTIPLE DISTRICT ASSIGNMENT/SUBSTITUTE TEACHER FORM FOR SCHOOL PERSONNEL



STATE DEPARTMENT OF EDUCATION

P.O. BOX 83720
BOISE, IDAHO 83720-0027

TOM LUNA
STATE SUPERINTENDENT
PUBLIC INSTRUCTION

MULTIPLE DISTRICT ASSIGNMENT/SUBSTITUTE TEACHER FORM for SCHOOL PERSONNEL

This form is to be used by employees working in multiple capacities within the same district or in multiple districts.

Employee Name (Please Print Clearly): _____

Last Four Digits of your Social Security Number: _____

Directions: Please check all that apply to current assignments:	
<input type="checkbox"/> Full/Part-Time Teacher	<input type="checkbox"/> Substitute Teacher*
<input type="checkbox"/> Summer School Teachers	<input type="checkbox"/> Driver Education
<input type="checkbox"/> Other Non-Certificated Duties, including coaches and Volunteers	<input type="checkbox"/> Student Teachers/Interns
<input type="checkbox"/> Substitute, other than a teacher, who temporarily replaces a non certificated employee (i.e., administrative assistant, cook, custodian, bus driver).	
<input type="checkbox"/> Supplemental Education Services (Please identify the agency you are tutoring with)	

NOTE: The term "district" refers to both school district and agency.

Please list by district name and district identification number **ALL** districts in which you are employed. This list will allow you to work in these districts without undergoing a Background Investigation Check (BIC) (fingerprinting) for each. It is necessary for the appropriate superintendent/designee to sign the form for each district listed. **Additional districts will only be added if the BIC is less than three (3) months old.**

* Substitute Teachers only need to have this form signed by the district submitting the fingerprint card to be placed on the state-wide substitute teacher list.


District/Agency & Number	Printed Name of Superintendent or Designee	Signature of Superintendent or Designee	Date

Return this completed form and the completed fingerprint card (if applicable) to:
State Department of Education
Background Records Office
PO Box 83720
Boise, ID 83720-0027
Contact as necessary: Shannon Haas (208) 332-6888

Revised 5/11

Office Location 650 West State Street	Telephone 208-332-6800	Speech/Hearing Impaired 1-800-377-3529	Fax 208-334-2228
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F3. BACKGROUND INVESTIGATION CHECK (BIC) RELEASE FORM (A REQUEST FOR RESULTS)

	STATE DEPARTMENT OF EDUCATION P.O. BOX 83720 BOISE, IDAHO 83720-0027	TOM LUNA STATE SUPERINTENDENT PUBLIC INSTRUCTION
BACKGROUND INVESTIGATION CHECK (BIC) RELEASE FORM		
<p>It is the State Department of Education's current policy not to send results to the applicant if the results are over three months old. To be consistent with policy, a three month separation from service or pending change in status requires a new Background Investigation Check (BIC). The results may be released to the individual employee with this completed and signed form if their fingerprint check is less than three months old.</p> <p>Due to FBI regulations, the State Department of Education cannot share BIC results with private/parochial schools, bus companies, private college/universities or their employees. Please complete the release form and send to: Shannon Hunt Haas Background Records Office PO Box 83720 Boise, ID 83720-0027</p>		
<p>I _____, (Print Name) _____ Social Security Number _____</p>		
<p>Directions: Please check one of the following: Address for mailed results: _____ _____</p>		
<p>request the Idaho State Department of Education to send me the results of my background check generated by my fingerprints. I am the person whose name appears above and has signed below.</p>		
Signature _____		Date _____
<p>State of _____ County of _____</p> <p>Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____, by</p>		
(Print name of person asking for Notary service) _____		Signature _____ Date _____
seal _____		Notary Public Name _____ My commission expires _____
Revised 6/10		
Office Location 850 West State Street	Telephone 208-332-8801	Speech/Hearing Impaired 1-800-377-3822
		Fax 208-334-2226

F4. FINGERPRINT VERIFICATION FORM (APPENDIX F4)



STATE DEPARTMENT OF EDUCATION

P.O. BOX 83720
BOISE, IDAHO 83720-6027

TOM LUNA
STATE SUPERINTENDENT
PUBLIC INSTRUCTION

Applicant Name	
SSN	

FINGERPRINT VERIFICATION FORM

To be used by authorized fingerprinter only beyond this line

The person presenting you with this fingerprint card will be using it for the purpose of either applying for an Idaho teaching credential or to become a school employee. In order to assure proper handling of this card by the applicant and to avoid an incomplete or improper application, please answer the following questions. Please sign this form and attach it to the fingerprint card.

1. _____ Has the applicant filled out the personal information on the fingerprint card to include: name (including aliases), complete mailing address, social security number, citizenship, date of birth, and personal information (sex, race, etc.)?
2. _____ Have you verified the ORI information located directly above the Sex/Race/HGT fields: ID920170Z, Dept of Edu, Boise, ID. This information **must** be clearly identified in the ORI field.
3. _____ Have you made a positive identification of this applicant using at least one form of photo identification, such as a photo driver's license, Division of Motor Vehicles photo identification card, military identification card, student body card, etc.?
4. _____ Have you signed and dated the fingerprint card on the appropriate line?

AUTHORIZED FINGERPRINTER'S SIGNATURE

DATE

Name (Please print or type)

Police Agency/School District/Institution

Fingerprinter's Email Address

PLEASE DON'T FORGET TO SIGN THE FINGERPRINT CARD

Revised 7/1/10

Office Location	Telephone	Speech/Hearing Impaired	Fax
650 West State Street	208-332-6800	1-800-377-3529	208-334-2228



IDAHO STATE DEPARTMENT OF EDUCATION
DIVISION OF GREAT TEACHERS & LEADERS
PO BOX 83720
BOISE, ID 83720-0027
PHONE: 208-332-6888
WWW.SDE.IDAHO.GOV/CERTIFICATION/

PREPARED BY:
SHANNON HAAS - BACKGROUND INVESTIGATION
CHECK SPECIALIST
ANNETTE SCHWAB - PROGRAM SPECIALIST