

BACKGROUND: Chapter 7 of Title 8, Hawaii Administrative Rules, entitled "Public School Personnel: Criminal History Record, Employment History, and Background Checks," requires employees, applicants, and institute of higher education (IHE) trainees who work in close proximity to children to be of reputable and responsible character. According to this rule, the Department of Education (DOE) may conduct screening checks and may refuse to employ/place, and/or may terminate the employment of any employee, applicant, or IHE trainee who has a history, or background involving violence, alcohol or drug abuse, sex offense, offense involving children and/or any other circumstances with indicates that the applicant or employee may pose a risk to the health, safety, and/or well-being of children. This confidential form is used by authorized officials to identify possible areas of concern about an employee's, potential employee's, or IHE trainee's criminal, employment and/or behavioral history. The DOE may terminate, or refuse to hire or place an applicant, employee, or IHE trainee who fails to complete this form, falsifies information and/or fails to cooperate fully with this screening process.

SCREENING RESPONSIBILITIES: PRINCIPAL, SUPERVISOR OR HIRING/PLACING AUTHORITY: Form DOE OHR 600-001 is completed by the employee, potential employee, or IHE trainee usually at the time of hiring/placing. Persons with hiring/placing and supervisory responsibility (principals, program coordinators, etc.) must ensure the proper completion and submittal of this form. They are also required to screen the completed form for each new employee prior to the effective date of employment or, at the time of form submittal if following-up on the backlog of previously hired employees. Additional clarifying information may be sought from this person if needed. When appropriate, former employers and/or other background references should be contacted to clarify or secure additional screening information. Appropriate action should be taken to delay, suspend, cancel or terminate the employment/placement of this person if information provided on this form or follow-up information indicates this person poses or may pose a possible risk to children. A short explanatory report of such action taken must be attached and submitted with the form. All reported information will be recorded on computer files for future references. Supervisors and other persons with hiring/placing authority may call and consult with the district personnel regional office or the EBC Office related legal contractual and/or procedural issues.

FORM PROCESSING: This form must be submitted to the appropriate district personnel regional or EBC Office for processing, where a search will be conducted for prior criminal history information. The Office of Human Resources will notify the appropriate DOE supervisors if any further follow-up is required. Each employee is hired conditionally pending the results of this and other suitability checks including fingerprint screening against the FBI files. Each IHE trainee must be cleared for criminal history background before beginning training in a school.

RESPONSIBILITIES:

Employee, Potential Employee, or IHE Trainee - Completes Form DOE OHR 600-001 completely and accurately. Responds appropriately when requested to provide or clarify information.

Supervisor or Hiring/Placing Authority - Instructs the employee, potential employee, or IHE trainee to complete the form. Assures submittal of the form. Assures correct Social Security Number and pictured identification. Reviews the completed form for areas of potential concern prior to the effective date of employment/placement (or if following up on the backlog of employment suitability checks) at the time of form submittal. Follows up with prior employers and references as necessary. Takes appropriate action to prevent the employment/placement or continued employment of persons who may pose a risk to children. Submits Form DOE OHR 600-001 along with other employment forms and reports as applicable to the district office/state office.

Assistant/Complex Area Superintendent or Designee - Reviews Form DOE OHR 600-001. Creates and maintains records on the computer file. Assures confidentiality of information.

Office of Human Resources - Conducts a name based search for criminal history. Creates and maintains records on the computer file. Records responses from fingerprint screening. Follows up on any reports generated by the suitability check. Assures confidentiality of information. Updates computer files regarding any action taken on employees, applicants, or IHE trainees based on the background check results.

CONFIDENTIAL

FAQ
Employee Background Check (EBC) guidelines for
Certificated and Classified Employees, Casual Job Verification

- 1. Do all Department of Education (DOE) employees need to complete an employee background check (EBC)?**
Yes, currently, all DOE employees who work in close proximity to children are required to complete an EBC and be cleared suitable to work.
- 2. If you are currently working in a capacity that is not in close proximity to children (e.g. State or District Offices, not located on campus) but transfer to school level, do you need to complete an EBC?**
Yes, regardless of continuous service, if you transfer, are reassigned, or relocated to a position that is in close proximity to children, you must complete an EBC.
- 3. Are current employees required to undergo an EBC?**
Yes, under the following conditions:

 - a) If they have not undergone a criminal history check at the time of hire and employed continuously on a salaried basis after July 1, 1990.
 - b) If they have moved from a salaried position to an hourly position
 - c) If they were employed continuously on a salaried basis prior to July 1, 1990 but have since retired and are now returning to work with the DOE.
 - d) If they have transferred to a school level position in close proximity to children.

Exception: Persons who have been employed continuously by the DOE on a salaried basis prior to July 1, 1990 shall not be required to undergo an employee background check. (These employees are exempt.)
- 4. Does an individual who has completed the employee background check (EBC) process while previously employed, but has had a break in service, need to complete another EBC?**
Yes, if the break in service is six (6) months or greater.
- 5. Are retirees required to complete an EBC when hired as a casual employee (e.g. PTT or PPT)?**
Yes, as they will either have had a break in service of six (6) months and/or moved from a salaried to an hourly position.
- 6. Do minors, under the age of 18, need to submit a fingerprint and complete an EBC?**
No, minors under the age of 18 are not subject to an employee background check.
- 7. Are DOE students, 18 years of age or older required to complete an EBC?**
No, all DOE public school students are exempt from fingerprinting. Students under the Special Education Vocational Rehab (SEVR) program are not required to submit fingerprints.
- 8. Are Student Helpers required to complete an EBC?**
Yes, as long as they are 18 years of age or older. (This does not include DOE students.)
- 9. Do A+ employees have to comply with fingerprinting?**
Yes, however, this process is a collaboration with the Department of Human Services and DOE.
- 10. Are employees of Public Charter Schools (PCS) required to complete an EBC?**
Yes, PCS who purchase DOE services which include criminal history checks are required. All PCS employees under the Special Education program are also required.

- 11. Can a Personnel Regional Officer (PRO) or EBC personnel verify a casual job?**
No, a PRO or EBC personnel can verify the EBC process but cannot verify a casual job. Only the appropriate Teacher Reclassification, Classified Support Services Personnel (CSSP) and Certificated Records and Transactions staff are authorized to verify a casual job.
- 12. Will the school be notified once a casual job is verified?**
Yes, by either a member of the Teacher Reclassification, CSSP or Certificated Records and Transactions Units.
- 13. How long does an employee background check take?**
Currently, a minimum of two (2) days to two (2) months. This timeframe is dependent on external criminal justice agencies that are used to perform the criminal history checks.
- 14. Can a person work before the employee background check is completed?**
No, the offer of employment remains "conditional" until such time the individual has completed the EBC process and is determined suitable to work in close proximity to children.
- 15. Can a person work after submitting fingerprints?**
No, complying with fingerprinting does not clear a person to start. Fingerprinting starts the employee background check process; it is not the end of the process.