**Rhode Island 21st Century Community Learning Center (21st CCLC) grant**

**Background Check Guide**

**January 2019**

**Purpose**

21st Century Community Learning Center grantees have a legal and ethical responsibility to ensure the safety of students in their program, including having paid and volunteer staff in their program undergo background checks.

**State Laws**

Rhode Island General Laws (RIGL) [§§16-2-18.1](http://webserver.rilin.state.ri.us/Statutes/title16/16-2/16-2-18.1.HTM), [18.2](http://webserver.rilin.state.ri.us/Statutes/title16/16-2/16-2-18.2.HTM), and [18.3](http://webserver.rilin.state.ri.us/Statutes/title16/16-2/16-2-18.3.HTM) address criminal background checks of employees of public or private schools. The law states that:

* Current or prospective employees must apply for a national and state records check at the Attorney General’s Bureau of Criminal Identification (BCI), the State Police, or the local police department where they reside.
* “Fingerprinting shall be required.”
* This should be done “prior to, or within one week of, employment after receiving a conditional offer of employment.”
* “‘Employment’ means those individuals hired directly by the private school or public school department, contractual employees of the private school or public school department, and those individuals, who may have direct or unmonitored contact with children or students, who are hired by a third party who or that has contracted with the private school or public school department to provide services.” This therefore applies to 21st Century CLC grantees and their subcontracted providers, regardless of whether the district or the community-based agency are the fiscal agent; both are signatories on the grant.

RIGL [§§16-2-18.4](http://webserver.rilin.state.ri.us/Statutes/title16/16-2/16-2-18.4.HTM) and [18.5](http://webserver.rilin.state.ri.us/Statutes/title16/16-2/16-2-18.5.HTM) address criminal background checks of volunteers of public or private schools. The law states that current or prospective volunteers “who may have direct and unmonitored contact with children and/or students” must apply for a state records check (sometimes referred to simply as a “BCI”). The law does not require a national records check for volunteers.

**Types of Background Checks**

There are many types of background checks and they vary widely in what they will reveal. The national fingerprint check only finds convictions of certain criminal offenses and is far from a guarantee that there is nothing of concern in a potential employee’s background. It is, however, what is required. Other national background check services for employees that do not include fingerprinting, such as those based on social security numbers, may in fact be more effective but they do not meet the letter of the law. Grantees are encouraged to use them, but only as a supplement to fingerprinting.

A state background check is even less extensive than the national check because it will not find any out-of-state convictions. Nonetheless, that is what is required for volunteers. Please be aware that federal rules prohibit law enforcement agencies from conducting fingerprint checks without legal authorization. They will generally refuse to conduct them for school volunteers, because Rhode Island law does not require it. 21st CCLC grantees should use the [National Sex Offender Public Website](https://www.nsopw.gov/) as a way to supplement the required state background check for volunteers.

**Policies and Procedures**

Grantees who use volunteers should adopt a clear volunteer policy to ensure that under no circumstances is a volunteer who has not been fingerprinted left alone with a child or youth. The policy should include specific, enforceable protocols for handling a variety of situations (e.g. students going to the bathroom, field trips, etc.).