Screening & Expectations

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Implementation Checklist	• Outline and implement all pre-entry legal requirements based on district, state, and institutional regulations • Outline a clear support and management structure for tutors, including who will observe and evaluate tutors • Clearly delineate and communicate all expectations, policies, and procedures to tutors prior to the start of tutoring • Articulate a performance evaluation process to ensure tutors meet performance expectations
Implementation Tools	• Tutor Background Check Guidance • Setting Expectations with Tutors
Key Insights	**Know the law (or, more realistically, get counsel from someone who does).** • Programs need to be aware of all legal requirements, which can vary based on district, state, and institution. Information related to state requirements can typically be found via the state's Attorney General's Office. Programs should also check with partner school districts and other institutions to keep abreast of any additional requirements. Set aside a budget for legal counsel, leave enough time to implement their advice, and plan to deal with more challenges in the future as regulations change or the program expands to new jurisdictions. Devote particular attention to the various state laws around recording sessions, institutional policies around rights and rules, and federal confidentiality legislation (e.g. FERPA). **Set clear expectations for your tutors from the start.** • Clear expectations provide tutors with a benchmark for self-evaluation, a reference point when expectations are not met, and a way to hold tutors accountable. Because consistency is critical, expectations should not be set lightly; an advisory group or board of directors should approve them. With guidance from this group or board, programs should review and revise their policies and procedures regularly (both reactively and proactively). Programs should provide orientation for tutors on policies and expectations. Having all tutors sign off on the expectations prior to the start of the program establishes their importance in tutors' minds and provides legal cover if a tutor fails to meet them.

Tutor Background Check Guidance

Why screen prospective tutors with a background check?

Tutors must be trustworthy. Because they will be working in positions of power and authority over minors, they must meet a high standard of conduct. Programs hiring tutors must do their due diligence to ensure that they are not putting students at risk. Neglecting this duty could cause significant harm to students that was both foreseeable and

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preventable at minimal expense, and can result in legal liability for the program. Further, sometimes a specific background check may be legally required by local, state or federal laws.

To ensure student safety, **all tutors should be screened prior to working with any students**. The precise forms of background checks required by law will vary, so **consult an attorney and be sure to follow the law. This tool is not legal advice!**

Types of Background Checks

The United States does not have a centralized database for criminal records and each state has different background check requirements. As a result, most programs must conduct 2-3 types of background checks. **Check the legal requirements in your state.** The most common ones that may be required are listed below:

- **FBI Background Check**. This is the most comprehensive check, and reviews all fingerprint-based records. It surveys all federal criminal records and the majority of state-level criminal records databases. Low-level misdemeanors and citations are not included, however, so it is recommended to supplement an FBI background check with a state background check.
- **State of Operation Background Check**. Each state has its own policies about who can access criminal records and for what purpose. The costs, process, and time required will vary. Typically, state criminal background checks cover offenses only in *that state*; they are *not* a replacement for federal-level background checks.
- **State of Residence Background Check**. Particularly if your Delivery Mode for tutoring is Virtual, prospective tutors will sometimes apply from other states, not just the state where your program operates. Your program may need to complete a background check for their state of residence, not just the state where they will be tutoring.
- **U.S. Department of Justice Sex Offender Registry**. Applicants can be searched in this national registry. Create a protocol for staff conducting this check to document, sign off on, and input the date reviewed for each applicant.
- **Child Abuser Registries**. These state registries include complaints that did not result in arrest or prosecution and so will not be included in criminal records. Contact your local child welfare agency to see whether this information is accessible to you.

What about private vendors?

While there are several private vendors that purport to conduct background checks, they are not recommended. Their state and local datasets can be unreliable, and there is so much variation in their methods that their results are inconsistent.

What about international students?

If your Tutor Type includes College Students, you may encounter international students with no records in these systems. If so, consider requiring a background check from their country of origin. **Check the legal requirements in your state!**

Professional References

In addition to background checks, your selection process should include a reference check, such as professional reference, character reference, or letter of recommendation. Professional reference checks will provide you with a wealth of information about the applicant and (ideally) should explicitly address the applicant's experience working with children.

Create a Formal Written Policy

Operating as an organization that works with minors requires you to create written and well-documented policies and develop consistent and systematic processes for screening applicants. Consistently review and update policies as regulations change, and oversee implementation to ensure that all employees follow policies as intended.

How should the formal written policy be created?

- Outline the legal requirements based on federal, state, local, and institutional (e.g. AmeriCorps) regulations.
- Stay up-to-date on the legal requirements in your state. Each state has different requirements, and laws will change over time. They are often (though not always) easily available via your state's Attorney General's Office.
- Consult with an attorney (as well as your insurance company) on all policies.
- Ensure regular review and compliance with policies.

What should the formal written policy include?

- All the required components that a prospective tutor must complete.
- Specific and consistent guidelines for disqualifying an applicant for the tutor role based on the screening results.
- Methods for tracking the status of the screening process for all prospective tutors.
- Information about who will pay for the background checks. Will it be the organization, or the prospective tutor?
- Written communication to all prospective tutors to ensure that they understand the screening process at the outset.
    - Written release statement for tutors to sign agreeing to the background check.
        - Tutors should agree to abide by the result of the background check process.
- Instructions for program staff on how to read and interpret the various background checks.

- o Description of legal requirements for reviewing background checks, including how to document findings and decisions.
- o Description of legal requirements for staff to ensure that all background checks are kept confidential and secure.

Setting Expectations with Tutors

Why is it important to set expectations with tutors?

Tutors cannot reliably meet expectations they do not understand. Setting clear expectations at the outset both helps tutors understand their commitments and makes it easier for supervisors to enforce them. Tutors will be working with minors, so clear and firm expectations are critical tools for safeguarding students, tutors, and the program. Tutors should see examples of what success looks like in their role and also receive guidance on what not to do (and why). Setting expectations also helps ensure equity in tutors' experiences by holding everyone to the same fair standard.

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The lists below are not exhaustive. Expectations and trainings required by law will vary, so **consult an attorney and meet legal requirements. This tool is not legal advice!**

Communicating Expectations to Tutors

Communicate all program expectations, policies, and procedures to tutors in both written and verbal format. Most importantly, **create a tutor handbook** for your program with all expectations, policies, and procedures clearly outlined.

- Consult an attorney (both initially and on a regular basis) to avoid leaving out anything critical that is required by law.
- Get approval from an advisory group or board of directors.
- Review and update policies regularly to incorporate input from stakeholders and institutional partners.
- Before training begins, verbally communicate all expectations outlined in the handbook to new tutors.
    - Give tutors ample opportunities to ask clarifying questions. It will save you time and trouble later.
    - Have tutors sign paperwork indicating that they have read and understood the handbook.

Tutors' Expectations of the Program

In addition to outlining what the *program* expects of *tutors*, you should also outline what *tutors* can expect of the *program*.

- What are the tutor's rights as an employee? **These will vary state-by-state and even by local jurisdiction.**
    - How will the program keep tutors' private information confidential?
    - Does the tutor agree to let the program post images, video, etc. of them at work to social media?
    - What are the processes for discipline and termination if a tutor violates the program's expectations?

- o What employment, anti-harassment, and anti-discrimination laws must the program follow?
  - ▪ How can tutors report potential violations? What protections do they have against retaliation?
- What training and support will the program provide for tutors?
  - o What training will be provided before tutors start work? When and where?
  - o What ongoing support will be provided during work? Who will support tutors, how, and how often?
  - o What framework will be used to evaluate tutors' performance? What does success look like in the tutor role?

Program's Expectations of Tutors

Below is a list of the types of expectations your program will likely need to set with tutors. You should ensure that you are following any requirements from partner institutions as well (e.g. local school district, university, AmeriCorps, etc.).

Program Commitments

- **Location.** Where will tutors perform their work? If your Delivery Mode is Virtual, what software will they use?
- **Time Commitment**. How long does the tutor's contracted commitment to the program last? A summer? A year?
  - o How many days per week will tutors work? How many hours? What are the clock-in and clock-out times?
    - ▪ What should a tutor do if they will be absent or late? How do tutors accrue and use paid time off?
    - ▪ What are the consequences of chronic lateness or absenteeism? What constitutes "chronic"?

Communication Norms

- **General Communication Expectations**. What are the baseline expectations for all tutors' work communication?
  - o What constitutes professional language over email, phone, etc.? (See Professionalism section below.)
  - o What are the expectations for checking lines of communication outside working hours?
  - o What constitutes a reasonable response time for calls or emails?
  - o How should tutors use their phones during working hours?
- **Communications with Program Staff.**
  - o What kind of information will tutors receive from program staff? How often? Through what channels?
  - o What kind of information will tutors need to share with program staff? How should they communicate it?
    - ▪ For example: scheduling absences, discussing challenging students, reporting concerning information students share, etc.
- **Communications with Students and Families.**

- o What are the policies around sharing tutor contact information with students, accessing student contact information, or communicating with students outside of sessions? (See Student Safety section below.)
- o Will the program expect tutors to communicate with families? If so, what policies must they follow?

Job Duties

- **Tutoring Role and Responsibilities.** Ensure these align with the Job Description tutors saw when they applied.
- **Preparation Before Sessions**. What materials must tutors prepare? What must they set up before students arrive?
- **Structure During Sessions**. What needs to happen during each session? What structure should tutors follow?
- **Paperwork After Sessions**. What data must tutors document, and where? What paperwork must they submit?
- **Collaboration With Colleagues**. With whom should tutors collaborate? What does good collaboration look like?

Professionalism

- **Legally-mandated Training**. Specific trainings (e.g. anti-sexual harassment training) are required by state law.
  - o What training sessions must tutors complete? By when? How will the program verify their completion?
- **Program-mandated Training**. Which program-provided training is *mandatory* and which is *optional*?
- **Professional Conduct**. How should tutors act at work?
  - o What dress code and language standards must tutors uphold during their work? Review these with a diverse team of staff to ensure there is no inherent bias in these expectations.
  - o What standards of ethical behavior must tutors meet? What program values must they uphold?
    - ▪ Are there specific restrictions based on institutional partnerships (e.g. AmeriCorps limits on political activity or drinking alcohol while wearing AmeriCorps logos, even off-the-clock)?
- **Performance Evaluation & Coaching**. How will tutors be evaluated and coached?
  - o How often will tutors be observed by supervisors (formally or informally) during their sessions?
  - o How will tutors be evaluated? What are the expectations around implementing supervisor feedback?

Technology

- **Appropriate Use**. If computers (or other hardware) are issued to tutors, what constitutes appropriate use?
  - o Outline the specific rules for using the program's hardware, particularly an internet use policy.

- o   Outline prohibitions on using the technology provided by the program for any illegal purpose (e.g. software or media piracy) and lay out the consequences tutors will face for misusing technology.
- **Data Ownership & Control**. Who owns the data on the program's computers or in its online systems?
    - o   Clearly state that any information stored on the technology provided by the organization is owned by the organization and can be monitored by the organization at any point.
- **Miscellaneous Requirements**. What else do tutors need to know about technology use for their work?
    - o   What are the approval requirements if a tutor is using their own hardware for work (e.g. personal laptop)?
    - o   What are the requirements for updating software and returning hardware?
- **Virtual Sessions**. If your Delivery Mode is Virtual or Blended, what are the expectations for virtual sessions?
    - o   Are tutors required to use specific software or meet certain baseline system requirements?
    - o   What are the expectations for tutors' home office environments during sessions (e.g. quiet, isolated, etc.)?
    - o   Will sessions be recorded? (See Student Safety section below.)
        - ▪   Are tutors *required* to record sessions? If so, how? Where should recordings be saved, and how?
        - ▪   Are tutors *allowed* to record sessions? If not, why not? What laws might apply here?
        - ▪   What consent from students do tutors need to have prior to recording any sessions?

Student Safety

- **Student Confidentiality Requirements**. Make it clear that student information must be kept strictly confidential.
- **Data Privacy Guidelines**. What best practices do tutors need to follow to keep student data safe and private?
- **Mandated Reporting**. Based on your state laws, will your tutors be Mandated Reporters? Make it clear to them.
    - o   Mandated reporting is the requirement to report any signs of suspected child abuse.
    - o   If tutors are considered Mandated Reporters under your state laws, ensure that tutors undergo all required training. Make it clear *to whom* they must report concerns (i.e. Site Director, School Administrator, or Guidance Counselor) and the timeframe *when* they must report these concerns (i.e. within 24 hours).
- **Media Releases**. What rules are there around tutors sharing or publishing aspects of their work?
    - o   Can tutors speak with journalists about their work? If not, to whom should they direct interview requests?
    - o   Can tutors share photos or videos of students on social media? (The answer is almost certainly no, but tutors may not realize this intuitively.) Have students and/or families signed media release consent forms?
- **Interactions with Students**. Depending on your context, tutor interactions with students may need supervision.

- o Does a teacher need to be present or do other supervisors need to be present during tutoring? Supervision is often required during school day programs, but each district has its own requirements.
- o If a teacher does not need to be present, what are the ways in which the program is ensuring student safety?
  - ▪ Are virtual sessions recorded? Who is responsible for recording them, and how?
  - ▪ Are there supervisory adults who cycle in and out of sessions?
  - ▪ What happens if a tutor is alone with a student? Is there specific guidance for tutors to follow?
- o What kinds of tutor-student communication outside of sessions are allowed? What kinds are expected?
  - ▪ Can students and tutors connect online? If so, which methods are approved, and which are not?