



Tutor Background Check Guidance: Ensuring Student Safety

Purpose: This tool supports school districts in implementing clear, consistent, and legally compliant background check policies to ensure the safety of students, protect district integrity, and recruit trustworthy tutors.

This tool is not legal advice. Consult an attorney to ensure program compliance with all federal, state, and local laws.

Why Perform Background Checks?

- Tutors work closely with students, typically minors, and must meet high standards of trust and conduct.
- Screening helps protect students from foreseeable risks and prevents legal liability for districts.
- Background checks may be legally required based on local laws and policies.

Key Background Checks

Districts typically need 2-3 types of checks, depending on state laws:

1. **FBI Background Check**

A comprehensive fingerprint-based review of federal and most state records, excluding minor citations. Supplement with state-specific checks for thoroughness.

2. **State of Operation Background Check**

A review of criminal records within the state where the district operates. The process, cost, and timeline vary by state.

3. **State of Residence Background Check**

A review of criminal records within the state where the tutor resides. A State of Residence background check may be required for virtual tutors applying outside the district's state.

4. **U.S. DOJ Sex Offender Registry**

A national registry search, with documented results.

5. **Child Abuser Registries**

State-specific lists of complaints, including those without prosecution. Access requires contacting local child welfare agencies.

Create a Written Policy

Develop a formal policy to ensure consistent and fair implementation. Regularly update policies based on legal changes.



Policy Checklist

- Legal requirements (federal, state, local).
- Steps for disqualifying applicants based on screening results.
- Process for tracking screening progress.
- Information on who pays for background checks (district or tutor).
- Written communication to explain the process to candidates.
- Signed releases from tutors agreeing to checks and outcomes.
- Guidelines for interpreting and documenting background check results.
- Secure, confidential storage of screening records.

Stay Legally Compliant

- Monitor state and federal regulations.
- Consult with an attorney and your insurance company when creating or updating policies.
- Work with your state's Attorney General's Office for guidance.

Additional Considerations

- **Private Vendors:** Avoid private background check services—they can be unreliable and inconsistent.
- **International Students:** Require background checks from the home countries of college students without US records.