

## 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.**

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### 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.
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### 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.
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### Create a Written Policy

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

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### 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.
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### 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.