

Tutor Background Check Guidance: Ensuring Student Safety

Purpose: To protect student safety, maintain integrity, and ensure legal compliance, this reading outlines key background check requirements and best practices for screening tutors. Use this guidance to develop and implement a clear, consistent, and compliant background check policy for your tutoring program.

This resource is for informational purposes only and is not a substitute for legal advice. Programs should consult legal counsel to ensure 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.
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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.

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.
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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.