



Criminal History and Child Protection Index Check Policy

*For Charter Schools Authorized by
the Indiana Charter School Board*

*Adopted May 2018
Revised June 2021*

For more information, please visit the
Indiana Charter School Board website:
<http://www.in.gov/icsb>

Criminal History and Child Protection Index Check Policy

Introduction

Charter school board members, leadership, and staff members are charged with overseeing the public dollars and providing educational instruction to Indiana's students. Because of this responsibility, the Indiana General Assembly established standards for expanded criminal history and child protection index checks for board members and school staff members. The Indiana Charter School Board's ("ICSB") criminal history and child protection index checks policy is consistent with all applicable laws and the Charter Agreement ("Charter").

Nothing in this policy is not intended as legal advice. Laws and their applications in the school setting are ever-changing through legislation and case law. Charter schools and governing boards should not rely or act upon any information contained in this policy in completing expanded criminal history and child protection index checks without first seeking the advice of independent legal counsel.

Definitions

An expanded criminal history ("ECH") check consists of either:

- (1) a background check by a consumer reporting agency regulated under 15 U.S.C. 1681 et seq. that includes:
 - a. verification of the applicant's identity;
 - b. search of all names associated with the applicant;
 - c. search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided;
 - d. search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state;
 - e. search of United States district court records from the districts in which the applicant resided;
 - f. check of sex offender registries in every state or the national sex offender registry maintained by the United States Department of Justice; and
 - g. multistate criminal data base search; or
- (2) a national criminal history background check (performed by the Indiana State Police); and a check of: (i) sex offender registries in all fifty (50) states; or (ii) the national sex offender registry maintained by the United States Department of Justice.

The required check of sex offender registries in all fifty (50) states and the United State Department of Justice national sex offender registry may be completed online at the following website: <https://www.nsopw.gov/>.

An expanded child protection index (“ECPI”) check consists of:

- (1) an inquiry with the department of child services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under Indiana Law;
- (2) an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and
- (3) for a certificated employee, an inquiry with the department of education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

The purpose of an ECPI check is to determine whether the Indiana Department of Child Services (“DCS”) has determined an allegation of child abuse or neglect to be substantiated. These checks are completed through DCS Central Office Background Check Unit. All requests for completion of this check must be submitted to the main DCS office in Indianapolis.

For more information on both ECH and ECPI, please review the Indiana Department of Education [ECH and ECPI FAQ](#), or visit the DCS website at: <https://www.in.gov/dcs/2363.htm> and <https://www.in.gov/dcs/3928.htm>.

Background Check Policy

Every charter school is required to adopt and administer a policy requiring ECH and ECPI checks for any individual *who is likely to have direct, ongoing contact with children within the scope of the individuals' service* for the charter school.

The policy must include the following information:

- (1) Scope – ECH and ECPI checks must be completed for each member of a charter school’s Governing Board (including any member of a subcommittee or sub-board to which the Governing Board has delegated some authority over the operation of the charter school), as well as, prospective employees, employees of prospective contractors and sub-contractors, service providers, and school volunteers, who are likely to have direct, ongoing contact with children within the scope of the individuals' service.

(2) Completion Dates

- a. ECH and ECPI checks must be completed for each Governing Board member prior to the opening date of the school.
- b. ECH checks for individuals other than Governing Board members must be completed no later than thirty (30) days after the start date of the person's employment.
- c. ECPI checks for individuals other than Governing Board members must be completed no later than sixty (60) days after the start date of the person's employment. This check must include inquiries into each state to which information is necessary to provide a complete expanded child protection check.

(3) Frequency – ECH checks for qualifying individuals must be updated every five (5) years; ECPI checks may be updated every five (5) years.

(4) Cost

- a. Costs associated with both ECH and ECPI checks are the responsibility of the individual unless the charter school specifies that it will cover these costs.
- b. An applicant or an employee cannot be required by the charter school to obtain more than one ECH or ECPI within a 5 year period unless the charter schools believes the applicant or employee is the subject of a substantiated report of child abuse or neglect or has been charged with or convicted of a disqualifying crime.

(5) Hiring Prohibitions

- a. A person convicted of any the following acts is prohibited from serving on a Governing Board, unless such prohibition is expressly waived by the ICSB Executive Director in writing:
 - i. an offense described in IC § 20-26-5-11 (generally serious crimes involving injury or death, but also sex and drug related offenses, and operating a motor vehicle while intoxicated); or
 - ii. any theft, misappropriation of funds, embezzlement, misrepresentation, or fraud,whether occurring in Indiana or elsewhere.

- b. An individual who has been convicted of a felony that requires license revocation may not provide services of any kind to a charter school. This prohibition may be waived if the conviction has been reversed, vacated, or set aside on appeal.
- c. An individual who is the subject of a substantiated report of child abuse or neglect is prohibited from providing services to a charter school in any capacity (including as a Governing Board member) unless such prohibition is expressly waived by the ICSB Executive Director in writing.

(6) Employee References – Employment references, including the applicant's most recent employer, must be contacted prior to employment of the applicant.

Organizer Responsibility to the ICSB

Upon Charter approval, the organizer is responsible for providing evidence to ICSB of ECH and ECPI checks for all proposed Governing Board members and all staff hired prior to the first day of school operation. The evidence of completion must consist of a signed assurance that the organizer has completed ECH and ECPI checks on all Governing Board members, members of any sub-committee, school leadership, contractors and their employees likely to interact with students, and volunteers. As additional Board members are appointed and new staff is hired, the Organizer is responsible for conducting ECH and ECPI checks pursuant to the policies and processes discussed above. Evidence of the completion of these checks should be provided to ICSB upon completion.