

Finance and Personnel

746 Criminal Background Check for Student Teaching

1.0 Purpose

This regulation shall apply to candidates for a Student Teaching Placement in a Delaware public school. A Criminal Background Check shall be completed for Student Teaching Placements at Child Serving Entities. It shall consist of a fingerprinted Delaware and national background check completed by the State Bureau of Identification (SBI) and the Federal Bureau of Investigation (FBI). Additionally, a Child Protection Registry Check shall be completed by the Department of Services for Children, Youth and Their Families (DSCYF). Refer to 14 **DE Admin. Code** 745 Criminal Background Check for Public School Related Employment for the requirements and procedures related to criminal background checks for Public School related employment in a Delaware Public School.

9 DE Reg. 918 (04/01/16)

2.0 Definitions

For purposes of this regulation, the following definitions apply:

“Administrator of Educator Preparation Program” means the individual identified by the Higher Education Institution as being responsible for overseeing the placement of candidates into a Student Teaching Placement in a Delaware Public School.

“Higher Education Institution” or **“Institution(s) of Higher Education”** means the Delaware college or university that has a teacher preparation program that places candidates into Student Teaching Placement in a Delaware Public School.

“Public School” means any public school and includes any board of education, school district, reorganized school district, special school district, charter school or charter school board and any person or entity acting as an agent thereof.

“Student Teacher” means an individual participating in a Student Teaching Placement.

“Student Teaching Placement” means a structured, supervised learning experience for a student in a teacher education program in which the student teacher practices the skills being learned in the teacher education program and gradually assumes increased responsibility for instruction, classroom management, and other related duties for a class of students in a local school district or charter school. These skills are practiced under the direct supervision of the certified teacher who has official responsibility for the class.

“Superintendent” means the chief school officer of any public school district or charter school, or the equivalent of a Superintendent or the Superintendent’s designee.

19 DE Reg. 918 (04/01/16)

3.0 Criminal Background Check Requirements and Procedures for Student Teaching Position Candidates

3.1 Effective April 7, 2016, any candidate for a Student Teaching Placement in a Public School shall be required to have a criminal background check as prescribed through this regulation.

3.2 The State Bureau of Identification (SBI) shall provide the criminal background information and the Department of Services for Children, Youth and Their Families (DSCYF) shall provide the Child Protection Registry check information to the individual and to the Higher Education Institution identified by the individual, through the Administrator of Educator Preparation Program. The Higher Education Institution shall determine whether the individual is prohibited from being placed per the provisions of 31 **Del.C.** §309(d) and shall send a copy of the complete criminal background check and Child Protection Registry check information to the head of the Public School considering the person as a candidate for a Student Teaching Placement. If the individual is not prohibited from placement per the provisions of 31 **Del.C.** §309(d), but the individual has a criminal conviction or is or has been on the Child Protection Registry, the Public School shall make a determination regarding suitability for placement using the factors in stated in statute. Information obtained under this subsection is confidential and may only be disclosed to the chief school officer, head of the Public School, the chief personnel officer of the school, and one person in each school who shall be designated to assist in the processing of criminal background checks, receive training in confidentiality and be required to sign an agreement to keep such information confidential.

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- 3.3 The candidate for a Student Teaching Placement in a Delaware Public School shall be subject to the following procedures:
- 3.3.1 After notification by the Higher Education Institution that he/she is a candidate for a Student Teaching Placement, the candidate shall present him/herself to SBI personnel at one of the Delaware State Police Troops that processes such criminal background checks or at an on site appointment arranged by the Higher Education Institution.
 - 3.3.2 The candidate shall cooperate in all respects with this criminal background check process, or his/her application cannot be accepted. On completion of the procedure, the candidate will be given a Verification Form of Processing by SBI, which may be shown to the candidate's placing Higher Education Institution as proof that the candidate has completed the procedure. The candidate should retain the Verification Form of Processing for his/her records.
 - 3.3.3 The candidate shall request that SBI send original versions of the criminal background check to both the candidate and Higher Education Institution.
 - 3.3.3.1 Provided further, a candidate attending a private Delaware Higher Education Institution shall provide a copy of his/her state and federal criminal history record, certified by SBI, to the designated person at the placing private Delaware Higher Education Institution.
- 3.4 All costs associated with obtaining a criminal background check shall be paid for by the person seeking a Student Teaching Placement.
- 12 DE Reg. 1306 (04/01/09)**
13 DE Reg. 843 (12/01/09)
14 DE Reg. 557 (12/01/10)
19 DE Reg. 918 (04/01/16)

4.0 Procedures for Higher Education Institutions and Public Schools for the Determination of Suitability for Candidates in Student Teaching Positions.

- 4.1 The Higher Education Institution where the candidate is enrolled and that was sent an original copy of the completed criminal background check shall make the initial determination for suitability for Student Teaching Placement. The criteria for determining the suitability for Student Teaching Placement shall be at the discretion of the Higher Education Institution and may vary among the various Higher Education Institutions in Delaware.
- 4.1.1 If a determination is made to deny a candidate placement into a Student Teaching Placement based upon the Higher Education Institution's review of the criminal history, the Higher Education Institution may provide for an appeal process.
- 4.2 Upon the initial determination for suitability for the candidate to be placed in a Public School, the Higher Education Institution liaison responsible for overseeing Student Teaching Placements shall confirm the receipt of the original complete criminal background check and send a copy of such to the Public School Superintendent considering the person as a candidate for a Student Teaching Placement.
- 4.3 Each Public School shall make the final determination of suitability for placement of a candidate in a Student Teaching Placement in its school.
- 4.3.1 Each Public School shall establish the process and criteria for determining suitability for placement of a candidate in a Student Teaching Placement in its school(s).
 - 4.3.2 The criteria for determining the suitability and subsequent placement of a candidate in a Student Teaching Placement may vary among the Public Schools. In addition, a Public School may have criteria for Student Teaching Placement that differs from the criteria for Public School employment.
 - 4.3.3 The Public School shall provide the candidate's Higher Education Institution the decision to place or deny a candidate in a Student Teaching Placement in writing.
- 4.4 Candidates for student teaching may have criminal background checks from other states accepted, if all of the following conditions are met;
- 4.4.1 The criminal background check shall have been conducted within the previous twelve (12) months and include a federal criminal background check;
 - 4.4.2 The criminal background check shall be sent directly from the criminal background check agency in the other state to the Higher Education Institution;
 - 4.4.3 The out of state candidate shall sign a release to allow the Higher Education Institution receiving the out of state criminal background check and the reference to confirm their receipt, disclose their contents and

forward them, subject to the same disclosure regulations that apply to Delaware criminal background checks.

9 DE Reg. 918 (04/01/16)

5.0 Procedures for Maintaining Criminal Background Check Information

- 5.1 All information and records pertaining to criminal background checks and this regulation shall be maintained in a confidential manner including, but not limited to, the following:
 - 5.1.1 Access to criminal background check records, letters of reference accompanying out of state criminal background checks, and determination of suitability shall be limited to the Higher Education Institution officer responsible for student teacher assignments and one person designated to assist in the processing of criminal background checks; and the Public School Superintendent responsible for the determination of suitability in the placing Public School. These persons shall be required to sign an agreement to keep such information confidential and employ proper precautions to insure that interoffice communications remain confidential;
 - 5.1.2 All such records shall be kept in locked, fireproof cabinets;
 - 5.1.3 No information from such records shall be released without the signed approval of and the appropriate signed release of the candidate or person placed in a Student Teaching Placement.
- 5.2 The Higher Education Institution may dispose of the criminal background check in a secure manner no earlier than six (6) months after the student graduates from the Higher Education Institution.

9 DE Reg. 918 (04/01/16)

6.0 Penalties

The Higher Education Institution officer responsible for student teacher assignments shall report to the appropriate police authorities evidence of any person who knowingly provides false, incomplete or inaccurate criminal history information or who otherwise knowingly violates this regulation.

9 DE Reg. 918 (04/01/16)

7.0 Subsequent Criminal History Information

- 7.1 Subsequent criminal history on a person in a Student Teaching Placement may be sent by SBI to the Higher Education Institution.
- 7.2 The Higher Education Institution where the candidate is enrolled shall be required to send any subsequent criminal history information received to the Public School where the candidate is engaged in student teaching activities.
- 7.3 The Public School where the person is in a Student Teaching Placement may consider any subsequent criminal history received for the person's continued suitability for the Student Teaching Placement.

12 DE Reg. 329 (09/01/08)

12 DE Reg. 1306 (04/01/09)

19 DE Reg. 918 (04/01/16)