

## **Background Check – FAQ**

### **Overview**

The PJWCOEHS recognizes that every prospective teacher candidate brings unique life experiences to the profession, successful and challenging. It is our mission to recognize them all in the context of learning and resiliency, and thus we work with each candidate on a case-by-case basis to understand and address matters to the satisfaction of our profession, school partners, and the many students whose academic lives will be positively impacted over the careers of our educator graduates.

**Why do I need a background check?**

**What can I do if I want to apply to the Teacher Education Program but I have concerns about information that may appear on my background check results?**

**When do I complete a background check?**

**How does Montana define “fit to work with children?”**

**What happens with my background check results when I apply to the Teacher Education Program?**

**Can I see what is on my background check?**

**What can I do if I don’t think the background check results are accurate?**

**How is my background check information used during the admissions process?**

**If I am not approved for admission to the Teacher Education Program because of my background check, can I appeal that decision?**

**After admission to the Teacher Education Program, how is my background check information used in making field placements?**

**Who makes the decision if I can complete a field experience?**

**What should I do if I get arrested while enrolled in the Teacher Education Program?**

**Because of my record, is it possible to go all the way through the program and not get licensed?**

**Why do I need a background check?**

Applicants to the Teacher Education Program are provided written notice that their fingerprints will be used to check the criminal history records of the FBI to comply with the National Child Protection Act of 1993. This act authorizes criminal history background checks to determine the fitness of an employee, volunteer, or other person with unsupervised access to children and youth among other vulnerable populations – often referred to as “fitness to work with children.” Upon acceptance to UM’s Teacher Education Program, students are placed in clinical experiences in area schools as a component of their academic studies. In partnership with these P-12 schools, the Department of Curriculum and Instruction has a responsibility to the profession to ensure that

candidates entering clinical experiences while enrolled in the Teacher Education Program are personally, professionally, and legally able to carry out a full range of responsibilities with vulnerable P-12 student populations.

### **What can I do if I want to apply to the Teacher Education Program but I have concerns about information that may appear on my background check results?**

Students interested in applying to the Teacher Education Program are encouraged to review the information provided in this FAQ. Additionally, students are invited to schedule an appointment with the [Director of Field Experiences](#) at any time prior to or during the application process to have a private conversation regarding their concerns.

### **When do I complete a background check?**

Students complete an initial fingerprint-based national background check as a component of the [application](#) to the Teacher Education Program. The background check is considered current for two years. Since teacher candidates must have a current background check on file through the duration of their program, most students can anticipate completing a second background check the semester prior to student teaching.

### **How does Montana define “fit to work with children?”**

The Teacher Education Program Acceptance Policy follows Montana law relevant to teacher certification provides the foundation for defining “fitness to work with children.” Montana Code Annotated (MCA) is the compilation of all existing state laws which establishes “immoral conduct related to the teaching profession” as potential grounds for denial of teacher certification ([MCA 20-4-110](#)). The Administrative Rules of Montana (ARM) support implementation of this state law by defining “immoral conduct” ([ARM 10.57.601A](#)). In summary, ARM 10.57.601A defines “immoral conduct” as including, but not limited to activities such as:

- Sexual contact or sexual intercourse with a person the candidate knows or reasonably should know is a student at a public or private elementary or secondary school;
- Sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, incest, offenses involving prostitution, endangering the welfare of children, unlawful transactions with children, sexual abuse of children, obscenity, ritual abuse of minor;
- Stalking, surreptitious visual observation or recordation;
  - Criminal possession of dangerous drugs or drug paraphernalia, delivery of drug paraphernalia to a minor;
  - Possession of a destructive device, possession or allowing possession of weapon in school building, use of threat to coerce gang membership, supplying of firearms to criminal street gang, endangering welfare of children;
  - Repeated convictions for violations of any one or more of the criminal laws of this state, if the repeated convictions, taken together, demonstrate that the teacher candidate is unwilling to conform his/her conduct to the requirements of law.

### **What happens with my background check results when I apply to the Teacher Education Program?**

Background check results are sent to the Director of the Office of Field Experiences. This office maintains and disseminates background check records in accordance with strict confidentiality guidelines defined by the Montana Department of Justice and the University of Montana.

### **Can I see what is on my background check?**

The FBI has no objection to officials providing a copy of the applicant’s FBI criminal history record to the applicant for review. Students may visit the Office of Field Experiences in the Phyllis J. Washington Education Center to request a copy of their background check. Photo identification is required.

### **What can I do if I don’t think the background check results are accurate?**

Students have the right to challenge the accuracy of the information in the background check record.

If, after reviewing your record, you believe it is inaccurate or incomplete, you may challenge the record by contacting the arresting agency (or agencies) that originally submitted the information or by sending your challenge to the FBI's CJIS Division, Attention: Correspondence Group, 1000 Custer Hollow Road, Clarksburg, WV 26306. The Correspondence Group will contact the appropriate agencies in an attempt to verify or correct the challenged entry for you. Upon receipt of official communication from the agency with jurisdiction over the data is received, the FBI will make appropriate changes, if necessary, and notify you of the outcome. Updating your FBI criminal history record can include having final disposition data entered, cases expunged, pardons entered, a conviction level changed, or rights restored. When challenging, you should submit any supporting documentation you have in your possession that indicates the final outcome of the arrest(s).

### **How is my background check information used during the admissions process?**

The Elementary, Secondary, and Graduate Admissions Committees meet to identify eligible candidates for admission to the Teacher Education Program at the Phyllis J. Washington College of Education and Human Sciences (PJWCoEHS). Once the Committees have identified those applicants to recommend for admission, the Committee Chairs submit those rosters to the Director of Field Experiences for review of background check results.

If the background check results include infraction(s) that might designate the applicant as "unfit to work with children" according to Montana code OR the results raise concerns due to frequency, severity, and/or recentness, the following process will be implemented:

- The Director will call a meeting of the College's Field Experiences Committee (FEC). The FEC is comprised of faculty and staff, all of whom have received training with Department of Justice protocol.
- The Director will notify the applicant that there is an issue with the CHRI and that an FEC meeting has been scheduled. The Director will ascertain at that time if the applicant would like to meet with members of the FEC to discuss the background check.
- The FEC will review the record and consider explanations provided by the student (if applicable) and will refer to the College's *Teacher Education Program Acceptance Policy* (based on Montana Code) to guide acceptance decisions.
- The Director will notify the Committee Chairs with the roster of applicants approved for admission.
- The Committee notifies those applicants of admission status via an official Acceptance/Non-Acceptance Letter.
- In the case an applicant is not approved for admission, the candidate has the right to appeal to the Dean or Associate Dean of the PJWCoEHS. Applicants must submit a written appeal letter within 10 days of the denial decision. The applicant will then be contacted to schedule a meeting.

This process is designed to recognize that every prospective candidate brings unique life experiences to the profession, successful and challenging. It is our mission to recognize all students in the context of learning and resiliency, and thus we work with each applicant on a case-by-case basis to understand and address matters to the satisfaction of our profession, school partners, and the many students whose academic lives will be positively impacted over the careers of our educator graduates.

### **If I am not approved for admission to the Teacher Education Program because of my background check, can I appeal that decision?**

Applicants may appeal a decision to the Dean or Associate Dean of the PJWCoEHS. Students must submit a written appeal letter within 10 days of the Field Experience Committee decision. The candidate will then be contacted to schedule a meeting.

### **After admission to the Teacher Education Program, how is my background check information used in making field placements?**

As part of the teacher education application, students provide signed consent for the Office of Field Experiences to disseminate background check results to schools in which a specific field placement is requested for a teacher education candidate. School administrators have the right to request and review background check results as part of their screening and acceptance of a student for a field placement in their school(s).

For districts requesting results (including future employers and related public agencies for educational purposes), since permission has already been obtained to disseminate results for educational purposes, OFE protocol is to first receive a written request for results, ascertain the recipient's readiness to accept confidential material, and then disseminate to the authorized entity.

**Who makes the decision if I can complete a field experience?**

Once admitted to the program, the Office of Field Experiences will seek field placements for students in area schools. The P-12 school administrators review the background check results for students who are recommended for field placements in their school(s). School administrators have final authority for accepting students for a field placement. A criminal conviction record may delay or prevent field placements that are required for completion of the Teacher Education Program.

**What should I do if I get arrested while enrolled in the Teacher Education Program?**

Candidates are required to report arrests or criminal charges other than minor traffic offenses that occur during participation in the program to the Director of Field Experiences.

**Because of my record, is it possible to go all the way through the program and not get licensed?**

Upon successful completion of the program, teacher candidates apply to the Montana Office of Public Instruction for licensure. This review process will include examination of the candidate's criminal history to determine eligibility for licensure. The Office of Public Instruction reviews licensure applications on a case-by-case basis to understand and address licensing concerns. Licensure personnel will contact the applicant to gain clarification if eligibility for licensure is questioned. This state review is separate from processes in the Department of Curriculum and Instruction and completion of the Teacher Education Program does not guarantee eligibility for teacher licensure by the State of Montana.