

National Service

Criminal History Checks

Corporation for
NATIONAL &
COMMUNITY
SERVICE 

BACKGROUND

- 2005 Letter from the Corporation's Inspector General
- Varying State requirements
- Disparity in availability of criminal history checks
- Congressional interest
- The 2006 Attorney General's Report
- The National Sex Offender Public Registry (NSOPR)

RULEMAKING PROCEDURES

- October 2005 - Request for Public Input
- October 2006 - Proposed Rule
- August 2007 - Final Rule

THE FINAL RULE *

- **Who is Covered?**
 - Senior Companions and Foster Grandparents
 - AmeriCorps State/National (including Education Award Program) participants who, on a recurring basis, have access to children, persons age 60 and older, or individuals with disabilities
 - Grant-funded staff in those programs with such access
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PROCESS

■ Two required searches

1. State Criminal Registry Check
2. National Sex Offender Public Registry Check

■ When Check is Required

1. State Criminal Registry Check – prospective
- National Sex Offender Public Registry -
(www.nsopr.gov) – current and prospective

HOW OFTEN?

- SCP & FGP – Once, for anyone applying to your program after the effective date of the final rule
- AmeriCorps S/N – Once, for each term of service (no additional check required for consecutive terms in the same program)

REQUIRED PROCEDURES

- Verify applicant's identity
- Obtain applicant's written authorization to conduct State criminal registry checks and to share the results within the program
- Participation contingent upon criminal history review
- Opportunity to challenge results
- Confidentiality of results

REQUIRED DOCUMENTATION

- Written verification of applicant's identity
- Results of the criminal history checks must be maintained, unless prohibited by State law
- Written documentation that the grantee conducted the required checks and considered the results in selecting or retaining the individual

DISQUALIFICATION

- An individual who is subject to a State sex-offender registration requirement may not serve in a covered position [Preamble contains language indicating the Corporation's intent to undertake future rulemaking concerning disqualifying offenses]

ALTERNATIVE SEARCH PROCEDURES

- Good cause exception, or substantially equivalent or better information through an alternative process
- Corporation must approve in writing
- A grantee using an alternative process must still conduct an NSOPR check

OTHER DISQUALIFICATION CRITERIA

- Grantees are not precluded by this rule from establishing other disqualification criteria (e.g. violent offenses)
- Consideration of arrest information
- There are many factors to consider when determining an individual's suitability

USE OF INTERMEDIARIES

- Grantee may use an intermediary to ascertain and assess an individual's criminal history or sex offender status
- Grantee remains responsible for compliance

APPLICANT SELECTION

- A grantee must conduct an NSOPR check before the individual begins to serve
- No unsupervised access to vulnerable populations while State criminal registry results are pending

COSTS

- Reasonable and necessary grant expense
- Generally, may not charge individual applicants
- Failure to comply
 - May adversely affect grant funding
 - May result in disallowed costs related to disqualified individual

ADDITIONAL SAFEGUARDS

- Personal interview
- References
- Past employment or service
- Driving records
- Child Abuse Registry
- Elder Abuse Registry

TECHNICAL ASSISTANCE

- Northwest Regional Educational Laboratory – Current T&TA Provider

- Training
 - National Conference

 - Cluster Conferences

 - Resource Center –
www.nationalserviceresources.org/resources/online_pubs/program_management/staff_screening.php

QUESTIONS?

Open for questions