

## **4001**

### **Criminal Background Checks**

Any person hired by Teachwell who is over eighteen years old will submit to a criminal background investigation through the Division of Criminal Investigation and the Federal Bureau of Investigation. Teachwell will obtain criminal history record information (CHRI) for the non-criminal justice purpose of employment.

**Requesting CHRI Checks.** Fingerprint-based CHRI checks will only be conducted as authorized by the FBI and the South Dakota Division of Criminal Investigation (SD DCI), in accordance with all applicable state and federal rules and regulations. Persons hired by Teachwell will be notified of the requirement to submit to a criminal background check by Teachwell administration. Teachwell administration shall instruct the person hired on how to complete the procedure for submitting fingerprints and where fingerprinting can be completed. Upon completing fingerprinting, Teachwell will submit the fingerprints to SD DCI for processing.

**Access to CHRI.** All CHRI is subject to strict state and federal rules and regulations. Teachwell will ensure no willful, unauthorized disclosure of CHRI occurs. CHRI is used only for the sole purpose of hiring determinations.

As required by state statute, the results of the background investigation shall be transferred to any school district from the initial school district that obtained the background investigation if the additional school district or the school district employee requests in writing to the initial school district that the results be transferred and the school district employee who was the subject of the criminal background investigation signs a written release authorizing the transfer. Teachwell will keep a dissemination log indicating any CHRI which has been shared pursuant to state law.

**CHRI Training.** All personnel authorized to receive and/or review CHRI at Teachwell will review and become familiar with the educational and relevant training materials regarding CHRI laws and regulations made available by the SD DCI. Additionally, all personnel authorized to receive and/or review CHRI must undergo Security Awareness Training on an annual basis through CJIS Online.

**Adverse Decisions Based on CHRI.** Teachwell may refuse to employ a person who has been convicted of a crime involving moral turpitude. Moral turpitude is defined, in South Dakota law, as “an act done contrary to justice, honesty, principle, or good morals, as well as an act of baseness, vileness, or depravity in the private and social duties which a person owes to his fellow man or to society in general.” Teachwell shall not employ a person who has been convicted of a crime of violence as defined in SDCL 22-1-2(9), a sex offense as defined in SDCL 22-24B-1, or trafficking in narcotics. Teachwell may consider any criminal conviction in making a hiring decision.

If Teachwell will make an adverse hiring decision based on the results of the new hire’s CHRI, Teachwell will take the following steps prior to making an adverse determination:

- Provide the individual the opportunity to complete or challenge the accuracy of the individual’s CHRI; and
- Provide the individual with information on the process for updating, changing, or correcting CHRI.

An individual will have five days to correct or complete the CHRI.

**Non-Criminal Agency Coordinator (NAC) and Local Agency Security Officer (LASO).** Teachwell designates the human resources manager or the human resources manager’s designee as the NAC and the director or the director’s designee as the LASO.

The NAC is responsible for the following: maintaining an updated Authorized Personnel List with the SD DCI, ensuring everyone included on this list must undergo the appropriate level of CJIS Security Awareness Training, ensuring everyone included on this list signs an Acknowledgement Statement of Misuse and the SD DCI Misuse Notification, informing the SD DCI of changes in the agency head or any relevant business information (agency name changes, mailing/physical address changes, etc.), and contacting the SD DCI immediately to update the User Agreement and, if necessary, submit the new authorization to the SD DCI.

The LASO is responsible for the following: identifying who is using or accessing CHRI and/or systems with access to CHRI, ensuring that personnel security screening procedures are being followed as stated in this policy, ensuring the approved and appropriate security measures are in place and working as expected, terminating access to CHRI immediately upon notification of an individual's termination of employment.

**Retention of CHRI.** Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in Teachwell's files for the following purposes only:

- Historical reference and/or comparison with future CHRI requests
- Dispute of the accuracy of the record
- Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in hard copy form in personnel files located in the locked filing cabinet located in the locked filing room. CHRI will be retained for five years or three years after termination of an employee, whichever is greater. At the end of this term, the CHRI will be shredded by an authorized individual of Teachwell provided no litigation or grievance is pending.

**Storage of CHRI.** CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent FBI security Policy, have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI will familiarize oneself with these safeguards. Each individual involved in the handling of CHRI will strictly adhere to the policy on the storage and destruction of CHRI.

**Media/Physical Protection.** All media containing CHRI is to be protected and secured at all times. Physical CHRI media shall be securely stored within physically secured locations or controlled areas. Access to such media is

restricted to authorized personnel only and shall be secured at all times when not in use or under the supervision of an authorized individual.

**Destruction of CHRI.** Once physical CHRI media (paper/hard copies) is determined to be no longer needed by Teachwell, it shall be destroyed and disposed of appropriately. Physical CHRI media shall be destroyed by shredding.

**Disciplinary.** If an individual at Teachwell has misused or is currently misusing CHRI, the individual may be subject to disciplinary actions up to and including termination and may lose access to CHRI. Any misuse of CHRI shall be reported to the SD DCI.

**Incident Response.** Teachwell has established procedures for instances of an information security breach. All security breaches will be immediately reported to the LASO. If any records were stolen, the incident will also be reported to appropriate authorities. The LASO shall report all security-related incidents to the SD DCI within 24 hours and submit an incident response form. Once the cause of the breach has been determined, disciplinary measures will be taken in accordance with Teachwell policy and procedure.

Adopted on: 7/22/25