

Office of Out of School Time Grants and Youth Outcomes Background Checks Guidance

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A. Introduction

The Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, D.C. Law 21-261, created the Office of Out of School Time Grants and Youth Outcomes (OST Office), located in the Office of the Deputy Mayor for Education. The OST Office's mission is to improve the educational, social-emotional, and physical health well-being of youth through participation in out-of-school-time programs.

The term grantee refers to an organization that receives a grant directly from the OST Office.

The term subgrantee refers to an organization that receives a grant from an OST Office grantee.

B. Overview

Grantees and subgrantees will ensure all adult program staff (paid and unpaid), volunteers, or contractors (herein referenced as personnel) who have unsupervised interactions with youth receive the following background checks in order to comply with the District of Columbia's Criminal Background Checks for the Protection of Children Act of 2004, DC Code §§ 4-1501.01 – 4-1501.11 and other OST Office requirements:

- Federal Bureau of Investigation (FBI) Criminal Background Check
- Metropolitan Police Department (MPD) Criminal Background Check
- National Sex Offender Registry; and
- DC Child and Family Services Agency (CFSA) Child Protection Registry (CPR).

It is strongly encouraged that all staff, supervised and unsupervised, has background checks completed as well.

Personnel without a complete set of clear background checks must always be supervised when working with children or youth by an individual who has cleared background checks. Grantees and subgrantees must provide the OST Office or designee with the names of primary and secondary supervisory staff by site who are responsible for supervising personnel awaiting clearances. Documentation of completed clearances must be uploaded into Cityspan before the start of OST programming.

All background check results must be sent directly to the organization, from the entity providing the check (for example the MPD), and not the individual. Source documentation will be reviewed and verified during the grant period.

Per DC Law §§ 4-1501.03 (d), any personnel with an active federal security clearance is not required to submit to a criminal background check. However, the individual must provide evidence of current federal security level.

C. Personnel

Current Personnel

All personnel must have background checks that are valid throughout the grant period. Personnel whose clearances expire during the grant period should undergo the process again.

New Personnel

Personnel who are newly hired or under contract by the organization must have background checks and clearances submitted to the appropriate agencies within one (1) week of the start date. The organization must maintain proof of submission for each background check in the personnel file.

The National Sex Offender Registry check results must be completed and available in the personnel file within two (2) days of the start date.

New personnel shall not be left unsupervised with children and youth until background checks are completed and approved.

D. Confidentiality and Retention

Confidentiality Information

All personnel files and background checks should be stored in secured file cabinets or password-protected electronic storage. It is the responsibility of the grantee and subgrantee to safeguard confidential information and only use or disclose it as expressly authorized by the staff member or specifically required.

In the event that confidential information must be shared electronically, the transmission must be made via encrypted methods and removed from any temporary storage within seven (7) days. In addition, the documents must be redacted.

File Retention Policy

All results must be retained for a minimum of five (5) years after the completion of a grant agreement and must be retained in accordance with federal and DC laws governing record retention.

Destruction of Files

All paper personnel records and confidential employee data maintained will be destroyed by shredding after retention dates have passed.

Electronic records shall be properly purged, deleted, and overwritten, after the retention dates have passed.

E. Completing Background Checks

The following is provided for ease, but information may have changed. It is the responsibility of the applicant to confirm the necessary costs and requirements for submission.

Grantee or subgrantee with personnel that will be providing programming at a District of Columbia Public Schools (DCPS) facility must follow the policies and procedures established by DCPS.

Grantee and subgrantee must ensure background check results are sent directly to the employer. A copy of the clearance letter must be retained within the personnel file.

1. FBI Background Check

a. Live Scan

Live Scan is the preferred method for FBI background check submission. A Live Scan is when fingerprints are scanned electronically instead of imprinted on ink first. Results are returned via email typically within twenty-four (24) hours.

Live Scan locations:

- | | |
|---|---|
| i. Metro Lab
www.metrolabdc.com | vi. Metropolitan Police Department
300 Indiana Ave NW
Washington, DC 20001
Phone: (202) 727-9909 |
| ii. AFRH-W Police Department
3700 North Capitol Street NW
Washington, DC 20011
Phone: (202) 730-3113 | vii. Supreme Court of the United States Police Department
One First Street NE
Washington, DC 20543
Phone: (202) 479-3211 |
| iii. Bureau of Engraving and Printing Police
301 14 th Street SW
Washington, DC 20228
Phone: (942) 906-4435 | viii. U.S. Department of Homeland Security Federal Protective Service
1900 Half Street SW
Washington, DC 20536
Phone: (202) 245-2300 |
| iv. Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535
Phone: (202) 324-3000 | ix. U.S. Park Police
1100 Ohio Drive SW
Washington, DC 20242
Phone: (202) 619-7105 |
| v. Federal Emergency Management Agency Law Enforcement Coordination and Investigation
1201 Maryland Avenue SW
Washington, DC 20472
Phone: (202) 646-4263 | x. United States Capitol Police
119 D Street NE
Washington, DC 20510
Phone: (202) 224-5151 |

b. Ink-based fingerprint card and application

Inked fingerprints and applications can be submitted directly to the FBI and can take three (3) months or more to return search results. More information available at: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

The completed and signed application and the inked-fingerprint card must be submitted directly to the FBI and must include:

- i. Money Order or Certified Check for \$18.00 dollars payable to the “Treasure of the United States”.
- ii. The items listed on the [Identity History Summary Request Checklist](#).

Submit completed packet to:

FBI CJIS Division – Summary Request
1000 Custer Hollow Road
Clarksburg, WV 26306

The application may be found at <https://forms.fbi.gov/identity-history-summary-checks-review/q384893984839334.pdf>

Locations to obtain inked-fingerprints available at:

- i. Federal Services, Inc.
1712 I Street NW, Suite 915
Washington, DC 20006
(202) 223-5317
- ii. Metro Lab
Location and information available at www.metrolabdc.com
- iii. Washington DC Fingerprinting
1140 Connecticut Avenue NW
Washington, DC 20036
(202) 628-3716
www.washingtondcfingerprinting.com

2. MPD Background Check

Grantee and subgrantee must complete a background check by mail to ensure the results are sent directly to the employer. The process of the request can take up to six (6) weeks.

The organization submits a notarized letter on the organization's letterhead. The letter must include the following:

- Statement requesting criminal background
- Full Name (First, Middle, and Last)
- Address
- Date of Birth (DOB)
- Sex
- Race
- Place of Birth
- Social Security Number

The letter must be notarized confirming that the individual is authorizing the release of information to the organization.

The package must include a self-addressed stamped envelope and \$7.00 Money Order payable to the "DC Treasurer" (cash and checks are not accepted).

Mail the letter, money order, and envelope to:

Henry J. Daly Building, Metropolitan Police Department
Criminal History Section
300 Indiana Avenue NW, Room 1075
Washington, DC 20001

3. CFSA CPR

The purpose of the Child Protection Register (CPR) is to protect children and to ensure their safety by maintaining an index of perpetrators of child abuse and neglect in the District of Columbia. This confidential index includes the names of individuals with substantiated and/or inconclusive findings from the investigative reports of the Child Protective Services Unit of the Child and Family Services Agency. More information is available at:

<https://cfsa.dc.gov/publication/program-child-protection-register>

Employers must directly request CPR clearances for prospective or current personnel by completing Part I of the form and selecting "Non-Government Organization". Grantee and subgrantee may not accept a self-check CPR result. Results may take up to 30 days.

The application is available at:

https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CPR_Check_Application_04-01-19.pdf

The CFSA CPR check is free, but the application must be notarized.

The CFSA CPR check must be completed annually.

4. The National Sex Offender Registry

The Dru Sjodin National Sex Offender Public Website (NSOPW) provides the public with access to sex offender data nationwide. NSOPW is a partnership between the U.S. Department of Justice and state, territorial, and tribal governments.

Grantee and subgrantee should visit www.nsopw.gov/Home and conduct a search of the personnel by typing in the full name. The results from the website page showing no results found for the staff/volunteer should be printed or pdf and saved in the personnel file.

This background check must be completed annually.

F. Results and Suitability

1. FBI and MPD Background Check

Any personnel with the following felony convictions are not permitted to work with children and youth:

1. Murder, attempted murder, manslaughter or arson;
2. Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;
3. Burglary;
4. Robbery;
5. Kidnapping;
6. Illegal use or possession of a firearm;
7. Sexual offenses, including: indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;
8. Child abuse or cruelty to children; or
9. Unlawful distribution or possession of or possession with intent to distribute a controlled substance.

Any personnel that have background checks returned with an issue or indication of past criminal history other than what is listed above must have a suitability determination made by the District. Grantee or subgrantee must notify the OST Office within two (2) business days of receiving the results and the OST Office will provide grantee or subgrantee a process in which DCHR will conduct a suitability check for said personnel at no additional cost.

Until the District has determined suitability, the individual **MUST** not be left unsupervised with youth, or without the presence of the previously identified supervising staff member with appropriate clearances.

Results from the FBI and MPD are valid for two (2) years. Twelve (12) months after the check is complete, the individual will need to sign an affidavit stating that since the FBI and MPD background check was completed, they have not engaged in any activity that may preclude them from being suitable to work with children and youth.

Other Documents

DCPS background check clearance letters are accepted evidence of meeting the FBI and MPD background check policies. The clearance letter must be available in the personnel file and uploaded into Cityspan.

DC Office of the State Superintendent for Education (OSSE) background check clearance letters that deem the individual “suitable for employment in a child development facility” are accepted as evidence of meeting the FBI, MPD and CFSA CPR background check policies. The clearance letter must be available in the personnel file and uploaded into Cityspan.

Emailed suitability determination from DCHR is accepted evidence of meeting the FBI and MPD background check policies.

Fieldprint is an FBI and MPD Channeler and results are obtained through Truscreen. Fieldprint results via Truscreen are accepted evidence of meeting the FBI and MPD background check policies.

Other FBI Channelers may be found here: <https://www.fbi.gov/services/cjis/identity-history-summary-checks/list-of-fbi-approved-channelers-for-departmental-order-submissions> Results from FBI Channelers are accepted evidence for completing FBI Background Checks.

Other documentation of FBI and MPD background may be accepted but must be approved by the OST Office. Grantee or subgrantee must submit a request to the OST Office for approval of other acceptable documents.

2. CFSA CPR

Any personnel listed in the CFSA CPR with substantiated reports of abuse or neglect are not permitted to work with children and youth.

Individuals with inconclusive reports have the right to challenge the decision through a Fair Hearing process with CFSA. Further instructions regarding the Fair Hearing process is noted on the last page of the Notice of Investigation Results letter from CFSA.

No other documentation except what is supplied by CFSA will be accepted as completion of the CFSA CPR check.

If report is not returned to organization within thirty (30) days, grantee or subgrantee must contact the OST Office.

DC Office of the State Superintendent for Education (OSSE) background check clearance letters that deem the individual "suitable for employment in a child development facility" are accepted as evidence of meeting the FBI, MPD and CFSA CPR background check policies. The clearance letter must be available in the personnel file and uploaded into Cityspan.

3. National Sex Offender Registry

The search will display the name, photo, age, aliases, and addresses of individuals who have the same name as the person entered. If the name and photo of the personnel is listed, review the file to ensure it is the correct personnel. Any personnel listed in the national sex offender database is not permitted to work with children and youth.

No other documentation except the pdf or printed results from the National Sex Offender site will be accepted as completion of this check.

G. Compliance

The OST Office or designee will conduct program and administrative visits, announced and unannounced, throughout the grant period. In accordance with Section B above, grantee or subgrantee must supply names of all supervisory personnel, personnel awaiting background checks, and those who have received all clearances and may have unsupervised interaction with youth on-site at the time of programming. The OST Office will verify the names of personnel with what has been entered into Cityspan. In the event personnel background checks have not been entered, grantee or subgrantee will receive a notice within ten (10) business days of observing the non-compliance and grantee or subgrantee will have three (3) business days to upload the information into Cityspan.

If the grantee fails to correct or does not respond, a second written notice will be sent restating the corrective action required and deadline to comply. If grantee has not corrected the action by the deadline specified in the second notice, a third and final notice will be sent restating the corrective action, deadline to comply, and repercussions to Grantee which may include delayed payment, loss of good standing, termination or suspension of grant, or repayment of grant funds.

Any violation of this policy may result in delayed grant payments or termination of the grant agreement for Failure to Comply as listed in the grant agreement. The OST Office may immediately terminate a grant with no notice and no opportunity to cure if the OST Office determines that such a termination is in the interests of the District government.