

Background and Fingerprinting Guidance for Schools

Education Savings Account Program

What standards must the criminal background check meet?

T.C.A. § 49-6-2607(e) requires participating schools to:

- Conduct criminal background checks on employees; and
- Exclude from employment:
 - Any person who is not permitted by state law to work in a nonpublic school; and
 - Any person who might reasonably pose a threat to the safety of students.

The State Board of Education rules for the Education Savings Account (ESA) Program provide more specific requirements on criminal background checks for participating schools, including the requirement that participating schools conduct criminal background checks on employees upon employment and at least every five (5) years thereafter.

[State Board of Education Rule 0520-01-16-.02\(5\)](#) includes a definition of criminal background check.

Pursuant to the rule, “Criminal background check” at a minimum shall include, but not be limited to, a check of the following: Tennessee’s Sex Offender Registry and the Abuse Registry of the Tennessee Department of Health. All service providers and employers of service providers shall maintain documentation that any persons providing services to participating students have undergone a fingerprint based criminal history records check conducted by the Tennessee Bureau of Investigation (“TBI”) and forwarded by the TBI to the Federal Bureau of Investigation (“FBI”) for processing pursuant to the National Child Protection Act. All participating schools shall maintain documentation that all persons working on school grounds when students are present and/or providing services to students have undergone a fingerprint based criminal history records check conducted by the TBI and forwarded by the TBI to the FBI for processing pursuant to the National Child Protection Act.

State Board of Education Rule 0520-01-16-.08 (2)(j) requires schools to exclude from employment:

1. Any person not permitted by state law to work in a nonpublic school; and
2. Any person who might reasonably pose a threat to the safety of students. Participating schools have ultimate discretion to determine whether or not a person might reasonably pose a threat to the safety of students; however, participating schools may consider excluding persons who have ever been convicted of any of the following offenses, or the same or similar offense in any jurisdiction, including convictions for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to:
 - (i) A sexual offense or a violent sexual offense as defined in T.C.A. § 40-39- 202;
 - (ii) An offense listed in T.C.A. §§ 39-13-102 – 39-13-115;
 - (iii) An offense listed in T.C.A. §§ 39-14-301 and 39-14-302;
 - (iv) An offense listed in T.C.A. §§ 39-14-401 – 39-14-404;
 - (v) An offense listed in T.C.A. §§ 39-15-401 and 39-15-402;
 - (vi) An offense listed in T.C.A. § 39-17-417; and
 - (vii) An offense listed in T.C.A. Title 39, Chapter 17, Part 13.

Instructions for Employee Fingerprinting

All private schools participating in the ESA program must work directly with the Tennessee Bureau of Investigation (TBI) to ensure background checks of each employee. The TBI has a contract with Identigo, a fingerprint service provider, with outlets often located in stores such as Postal Annex or Mailboxes, Etc. The cost of fingerprinting is \$39.15 for each person. The turnaround time for results once an employee has been fingerprinted is 2-5 days.

1. You must contact the TBI to establish an Originating Agency Identifier (ORI) number and a User Agreement.
2. To establish an ORI and User Agreement:
 - a. Send in a letter of purpose on school letterhead (see sample letter) stating the requirement for employee fingerprinting as part of the Education Savings Account program;
 - b. State the school purpose/mission and the grades served;
 - c. Refer to the need to comply with the NCPA/VCA requiring investigation of applicants for teaching or childcare positions;
 - d. State the private school's Category (I, II, or III) with the Tennessee Department of Education.
 - e. Send the letter via fax, postal mail or scan and send via email.

Tennessee Bureau of Investigation
Biometric Services Unit – Fee Programs TAPS
901 R.S. Gass Blvd
Nashville, TN 37216
Fax number: 615-744-4657
E-mail: nancy.rizk@tn.gov
Phone: 615-744-4045

3. Once your letter of purpose is reviewed by the TBI, you will receive the following forms:
 - User Agreement
 - VECH Application
 - VECH Waiver
 - Agency Applicant Privacy Rights
4. Please email the completed User Agreement and VECH Application to Nancy.Rizk@tn.gov.
Note: The VECH Waiver and Agency Applicant Privacy Rights must be completed prior to submission of fingerprints and retained by your agency.
5. TBI will send the Original Agency Identifier (ORI) number in approximately 5 days. Then the fingerprinting process can begin.
6. Share the ORI number with all of your employees, as they will need this 9-digit number to register on Identigo.com.
7. Instruct your employees to schedule the fingerprinting appointment at Identigo.com by entering a zip

code, a list of the closest locations will appear, along with a button to schedule an appointment. He or she will need to bring a driver's license or other official form of identification to the appointment.

8. There are two options for paying for the fingerprinting service.

a. You can elect to have your employees self-pay at the fingerprinting appointment. All major credit cards are accepted.

OR

b. The school can pay the cost of the fingerprinting by setting up an IdentoGO No Charge Authorization Codes (NCAC) account. This type of account gives the school the ability to pay on the employee's behalf with a school VISA, MasterCard, Discover or AMEX credit card. For additional information please contact:
IDEMIA (IdentoGO) Billing Accounts Dept. @ TNUEPAccounts@us.idemia.com or 877-512-6962
Tennessee Customer Service: 1-855-226-2937

Sample letter to TBI on school letterhead (#2 in above details)

Date

Ms. Nancy Rizk
Tennessee Bureau of Investigation
Biometric Services Unit – Fee Programs TAPS
901 R.S. Gass Blvd
Nashville, TN 37216

Dear Ms. Rizk:

NAME OF SCHOOL is participating in Tennessee’s Education Savings Account program, and as a requirement, all our employees must be fingerprinted to be in compliance with § T.C.A. 49-6-2607, § T.C.A. 49-5413, State Board of Education Rule 0520-01-16-.08 and NCPA/VCA. This letter is a request for an ORI number and user agreement.

NAME OF SCHOOL serves grades X-XX, and our MISSION is to _____.
NAME OF SCHOOL is classified as a CATEGORY I, II or III private school with the Tennessee Department of Education.

Please send the ORI number and user agreement for the attention of:

NAME
SCHOOL NAME
ADDRESS

Should you have any questions, please contact NAME at PHONE or EMAIL ADDRESS.

Thank you,

Name
Title (Headmaster, Principal, CFO, etc.)
School