Teacher Education Decision Making Guide for Criminal Background Check Results

**Purpose**
In order to comply with Iowa law, site partners’ requirements, and best practices to ensure safety of children and employees, volunteers, and student interns/teacher candidates, Iowa State University’s Teacher Education Program conducts state and national criminal background checks on all Early Childhood Education (ECE) and Child, Adult and Family Services Child Option (CHFS) students who participate in initial field experiences, all Elementary Education students, all students in K-12 education programs, and all students in secondary education programs. The purpose of these background checks is to ensure that all people having substantial interactions with the children are qualified to interact safely and appropriately with children.

**Teacher candidates with experiences in Department of Human Services licensed childcare centers**
Iowa State University students who complete their practicum hours in Department of Human Services (DHS) licensed childcare centers will be required to complete the criminal background checks required by DHS. In these instances, decisions on background check concerns will be made by the Department Human Services following Iowa Code 237A.5. Iowa State University must implement the decision made by DHS or the placement site will be out of compliance and the safety of young children could be in jeopardy. Students are responsible for the cost of the required background checks.

**Teacher candidates with experiences in private and public schools**
For all other teacher education students, the initial background check must be completed prior to the first ISU field experience or admission to the ISU Teacher Education Program, whichever comes first. The background check is valid for four years and then must be rerun by the second week of classes at the end of the four-year window in order to remain in good standing in the Teacher Education Program (this is regardless of whether the student has a current field experience). This Decision Making Guide will be used to make decisions regarding any background check findings for any Iowa State University teacher education student who is not in the Early Childhood Education program and who is not being placed in a DHS licensed childcare setting. Students are responsible for the cost of the required background checks.

**Background checks as part of licensure requirements**
In order to be licensed by the State of Iowa, the Iowa Board of Educational Examiners requires all teacher candidates have a valid (up-to-date) State of Iowa Criminal Background Check and a national criminal background check through the FBI the semester prior to student teaching. The latter includes submitting fingerprints. These results are shared directly with the Iowa Board of Educational Examiners, not Iowa State University. Teacher candidates are also responsible for the fees associated with these background checks.

**Self-reporting and follow-up checks**
Once a student has a valid background check on file, any subsequent criminal misconduct charges (other than parking tickets or speeding tickets) received by the student must be reported to the Licensure Coordinator in Teacher Education Services by completing a self-reporting letter. Guidelines for this letter can be found on the ISU School of Education website. Failure to report a criminal misconduct charge (other than parking tickets or speeding tickets) may result in discharge of the student from ISU’s teacher education program.

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When a student is enrolled in any course that has a field experience component, any new criminal misconduct charges (any charges other than parking tickets or speeding tickets) must be reported to the Licensure Coordinator in Teacher Education Services with a self-report letter within 72 hours after the incident. Failure to report a charge within this time period will result in failing the field experience and possible discharge from the ISU Teacher Education Program.

When a student is not enrolled in any course that has a field experience component, any new criminal misconduct charges (any charges other than parking or speeding tickets) must be reported to the Licensure Coordinator in Teacher Education Services with a self-report letter within 5 days after the incident. Failure to report a charge within this time period will result in being suspended from any field experiences for 1 semester and possible discharge from the ISU Teacher Education Program.

When a student self-reports an incident, the student is allowed to participate in the field experience based on the original record check. An arrest without disposition is not an indication of guilt.

The student needs to notify the Licensure Coordinator when there has been a disposition and/or Teacher Education Services needs to monitor Iowa Courts Online for a disposition. Once there has been a disposition, another background check needs to be run. The student is responsible for the cost of this background check. These results along with the completed evaluation form then need to be considered using this Decision Making Guide.

**Decisions based on background check results**

Generally, determinations will be made using final convictions, but pending charges may also be examined to determine if they present a significant concern in regards to whether the student is safe to be around children. For purposes of these guidelines a Deferred Judgment or Deferred Sentence will be treated as a conviction.

**Guidelines for Prohibiting Involvement in Field Experiences (based upon Department of Human Services and the Iowa Board of Educational Examiners policies):**

*Students will be prohibited from involvement in any Educator Preparation Field Experience at ISU for a period of five years from the time of the finding if:*  
- The student has a record of founded child or dependent abuse  
- The student has a record of founded child or dependent abuse that was determined to be sexual in nature  
- The student is listed on the sex offender registry under Chapter 692A  
- The student has committed the felony-level offense of child endangerment or neglect or abandonment of a dependent person  
- The student has committed the felony-level offense of domestic abuse  
- The student has committed the felony-level offense of a crime against a child including but not limited to sexual exploitation of a minor.  
- The student has committed the felony-level offense of a forcible felony.

For any of the above listed transgressions, students will also NOT be allowed to participate in educator preparation field experiences while charges are pending.

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Guidelines for Temporarily Prohibiting Involvement in Field Experiences (based upon Department of Human Services and the Iowa Board of Educational Examiners policies):

If in the five years proceeding a student’s background check,

- The student was convicted of a controlled substance offense
- The student was found to have committed physical abuse or assault
- The student was convicted of reckless use of a firearm/explosive

The student will be prohibited from involvement in any educator preparation field experience at ISU for a period of five years from the date of the conviction or found abuse. After the EPCC-initiated five-year prohibition period, the student may once again be considered for educator preparation field experience placement. The student will need to have a background check as part of this process.

A student on EPCC-initiated probation will not be able to participate in educator preparation field experiences at Iowa State University. If the student has not been admitted to the Educator Preparation Program, the student will not be considered for admission until the probationary period has expired. If the student is placed on probation after having been admitted to the Educator Preparation Program, the student will not be allowed to participate any educator preparation field experience until the probationary period has expired. At this time, the student will be required to submit a new background check which will be considered by the Selection and Retention Sub-Committee.

Guidance for Convictions (including Deferred Judgement):

A **deferred judgment** is a sentencing option under Iowa Law that allows a judge to withhold finding a defendant guilty and place the defendant on probation for a period of time. The judge may place any number of conditions on that probation. Deferred judgements must be reported on all background check and self-report forms. Deferred judgements will be treated as convictions or a finding on the charge(s) in regards to decisions made about background check findings.

There will be various consequences for all other convictions. The seriousness of the consequences will be dependent upon the severity of the act and the frequency of the charges. Consequences will range from a written reprimand to delay of admissions to the Teacher Education Program to suspension from field experiences.

Common convictions that fall into this area include, but are not limited to:

1. **Minor on the Premises, Minor in Possession (MIP), Public Intoxication.**
2. **Conviction of 4th or 5th degree theft (shoplifting).**
3. **Misdemeanor Moving Traffic Violations (e.g., failure to yield, failure to stop).**
4. **Operating while intoxicated (OWI).**

Other serious convictions that fall into this area include, but are not limited to:

1. **Assault, other than domestic assault of physical abuse.**
2. **Convictions for other Felony or Aggravated Misdemeanors. Other felony or aggravated misdemeanor convictions or pending charges not listed above.**

Appeal Process:
Students may appeal decisions made by TES staff or the Selection and Retention Subcommittee. The appeal should be a written description of the factual basis underlying any convictions or pending charges, an explanation of the reasons the student is appealing the decision and why the student should

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be permitted to have substantial interactions with children. These should be addressed to the Director of Educator Preparation.